

MHLA140014422025

Civil M.A.No.455/2025



Order Below Exh. No. 1

This is an application filed by the applicants for issuance of Heirship Certificate under Bombay Regulation VIII (2), 1827. In support of their claim, applicants have filed documents along with list Exh.4 and evidence affidavit of applicant No.2 (Exh.11).

2. It is contended by the applicants that their father namely Sambha Apparao Manjare died on 29.09.1990 at Borphal Tq. Ausa, Latur. At the time of death, deceased Sambha Apparao Manjare lived with said applicants and legal heirs No. 1/1 to 1/5 mentioned in paragraph No. 5 of present application. Except the applicants and legal heirs No.1/1 to 1/5 mentioned in paragraph No. 5 of present application, deceased Sambha Apparao Manjare has no any other legal heirs. The applicants have filed the certificate vide Ex. No. 24 that death entry of mother of deceased namely Vanchala Apparao Manjare is not found in grampanchayat record. The applicant has filed death certificate of her mother namely Champabai Sambhaji Manjare and Uddhav Sambha Manjare at the Ex. No. 25 and 30 respectively. Thus, applicants prayed to issue heirship certificate in their name.

3. In support of their claim, applicant filed documents *viz.*, original copy of death certificate of deceased Sambha Apparao Manjare (Ex.31). From death certificate (Exh.31) it reveals that Sambha Apparao Manjare died on 29.09.1990. The legal heirs of

present deceased have filed the photocopy of their Aadhar-card on record. The bailiff report is at Exh. No.20.

4. After completion of all formalities, publication was made in the daily news paper 'Dainik Manogat' dated 13.06.2025 at Exh.10 and objections were called. But after publication, nobody has raised any objection regarding the claim of the applicants till date. The contentions of applicants have been supported by the evidence affidavit of applicant No.2 (Exh.11). Applicants have filed evidence close purshis (Exh.12). Thus, since there is no objection received within stipulated period regarding the claim of applicants, in my opinion, applicants and legal heirs No. 1/1 to 1/5 mentioned in paragraph No. 5 of present application are the only legal heirs of deceased Sambha Apparao Manjare. As the applicants being the legal heirs of deceased Sambha Apparao Manjare, prayed to issue Heirship Certificate in their name. Considering the evidence placed before me and the fact that claim of the applicants remaining unchallenged, it appears that applicant and legal heirs mentioned in paragraph No. 5 of present application are legal heirs of deceased Sambha Apparao Manjare. Hence, it would be just and proper to issue Heirship Certificate in favour of applicants and legal heirs mentioned in paragraph No. 5 of present application as prayed.

5. It is well settled position of law that Bombay Regulation II of 1827 provides for **mere formal recognition of heirs**, executors and administrators and for the appointment of administrators and managers of property by the Courts and the certificate does not create or confirm any rights, title or interest in itself.

6. In view of above discussion, it is crystal clear that applicant has *prima-facie* proved his claim for issuing heirship

certificate, and there is no bar to issue the same in their favour. In the result, I pass the following order-

ORDER

1. Application is allowed.
2. Issue heirship certificate in favour of applicants and legal heirs No. 1/1 to 1/5 mentioned in paragraph No. 5 of present application after depositing requisite Court-fees as per Schedule I Article 12 of Maharashtra Court Fees Act 1959.
3. The applicants to file full inventory of all the properties and credits of deceased **Sambha Apparao Manjare** under this certificate as per para 312 of the Civil Manual.
4. This heirship certificate mere formally recognized that applicants and legal heirs No. 1/1 to 1/5 mentioned in paragraph No. 5 of present application are the heirs of deceased **Sambha Apparao Manjare**. It does not create or confirm any rights, title or interest in itself.

(Dictated and pronounced in open Court)

Ausa.
Date: - 13.03.2026.

(Smt. S. H. Nalawade)
3rd Jt. Civil Judge Jr. Dn., AUSA.