

MHLA140033302025

Civil M.A.No.1012/2025



Order Below Exh. No. 1

This is an application filed by the applicant for issuance of Heirship Certificate under Bombay Regulation VIII (2), 1827. In support of her claim, she has filed documents along with list Exh.4 and affidavit of evidence (Exh.11).

2. It is contended by the applicant that her father in law namely Kashim Usman Shaikh died on 28.03.2005 at Lohata Tq. Ausa Dist. Latur. At the time of death, deceased Kashim Usman Shaikh lived with said applicant and legal heirs No. 1 to 3 mentioned in paragraph No. 4 of present application. Except the applicant and legal heirs No.1 to 3 mentioned in paragraph No. 4 of present application, deceased Kashim Usman Shaikh has no any other legal heirs. The applicant has filed the death certificate of her husband vide Ex. No. 17. She has also filed the certificate vide Ex. No. 16 that the death entry of her mother in law namely Rashadbi Kashim Shaikh did not find in concerned register of grampanchayat. Thus, applicant prayed to issue heirship certificate in her name.

3. In support of her claim, applicant filed documents viz., attested copy of death certificate of deceased Kashim Usman Shaikh (Ex.18). From death certificate (Exh.18) it reveals that Kashim Usman Shaikh died on 28.03.2005. The legal heirs of present deceased have filed the photocopy of their Aadhar-card on record. The bailiff report is at Exh. No.13.

4. After completion of all formalities, publication was made in the daily news paper 'Dainik Vishawuday' dated 22.11.2025 at Exh.10 and objections were called. But after publication, nobody has raised any objection regarding the claim of the applicant till date. The contentions of applicant have been supported by his affidavit (Exh.11). Applicant has filed evidence close purshis (Exh.12). Thus, since there is no objection received within stipulated period regarding the claim of applicant, in my opinion, applicant and legal heirs No. 1 to 3 mentioned in paragraph No. 4 of present application are the only legal heirs of deceased Kashim Usman Shaikh. As the applicants being the legal heirs of deceased Kashim Usman Shaikh, prayed to issue Heirship Certificate in their name. Considering the evidence placed before me and the fact that claim of the applicant remaining unchallenged, it appears that applicant and legal heirs mentioned in paragraph No. 4 of present application are legal heirs of deceased Kashim Usman Shaikh. Hence, it would be just and proper to issue Heirship Certificate in favour of applicant and legal heirs mentioned in paragraph No. 4 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 his favour. In the result, I pass the following order-

ORDER

1. Application is allowed.
2. Issue heirship certificate in favour of applicant and legal heirs No. 1 to 3 mentioned in paragraph No. 4 of present application after depositing requisite Court-fees as per Schedule I Article 12 of Maharashtra Court Fees Act 1959.
3. The applicant to file full inventory of all the properties and credits of deceased **Kashim Usman Shaikh** under this certificate as per para 312 of the Civil Manual.
4. This heirship certificate mere formally recognized that applicant and legal heirs No. 1 to 3 mentioned in paragraph No. 4 of present application are the heirs of deceased **Kashim Usman Shaikh**. 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.