

MHLA140033922025

Civil M.A.No.1045/2026



Order Below Exh.1

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

2. It is contended by the applicant that his father namely Datta Tayappa Chavan died on 24.07.2022 at Taka, Tq. Ausa Dist. Latur. At the time of death, deceased Datta Tayappa Chavan lived with said applicant and legal heirs Nos. 1 to 3 mentioned in paragraph No. 4 of present application. Except the applicant and legal heirs Nos. 1 to 3 mentioned in paragraph No. 4 of present application, deceased Datta Tayappa Chavan has no any other legal heir. Thus, applicant prayed to issue heirship certificate in their name.

3. In support of his claim, applicant filed documents *viz.*, original copy of death certificate of deceased Datta Tayappa Chavan (Exh. No. 17). From death certificate (Exh. No.17 it reveals that Datta Tayappa Chavan died on 24.07.2022 . The applicant and legal heirs Nos. 1 to 3 of present deceased have filed the photocopy of their Aadhar-card on record. The applicant has also placed on the record the death certificate of Durgabai Tayappa Chavan at the Exh. No. 16. The bailiff report is at the Exh. No. 13.

4. After completion of all formalities, publication was made

in the daily news paper 'Dainik Gurudharam' dated 29.11.2025 at Exh.10 and objections were called. But after publication, nobody has raised any objection regarding the claim of applicant till date. The contentions of applicant has been supported by evidence affidavit at (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 Nos. 1 to 3 mentioned in paragraph No. 4 of present application are the only legal heirs of deceased Datta Tayappa Chavan. As the applicant being the legal heirs of deceased Datta Tayappa Chavan prayed to issue Heirship Certificate in their name. Considering the evidence placed before me and the fact that claim of the applicant remains unchallenged, it appears that applicant and legal heir Nos. 1 to 3 mentioned in paragraph No. 4 of present application are legal heirs of deceased Datta Tayappa Chavan. Hence, it would be just and proper to issue Heirship Certificate in favour of applicant and legal heir Nos. 1 to 3 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 their 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 Nos. 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 **Datta Tayappa Chavan** under this certificate as per para 312 of the Civil Manual.
4. This heirship certificate mere formally recognized that applicant and legal heirs Nos. 1 to 3 mentioned in paragraph No. 4 of present application are the heirs of deceased **Datta Tayappa Chavan**. It does not create or confirm any rights, title or interest in itself.

(Dictated and pronounced in open Court)

Ausa.
Date: - 07.08.2026.

(Smt. S. H. Nalawade)
3rd Jt. C. J. J. D., Ausa.