

MHLA140037522025

Civil M.A.No.1162/2025



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, they 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 husband of applicant No.1 and father applicant Nos 2 to 7 namely Sadashiv Govind Gavali died on 17.04.2017 at Karajgaon, Tq. Ausa, Dist. Latur. At the time of death, deceased Sadashiv Govind Gavali lived with said applicants. Except the applicants, deceased Sadashiv Govind Gavali has no any other legal heirs. The applicant No.4 has filed the affidavit vide Ex. No. 14 stating that the mother of deceased namely Krushanabai Govind Gavali died in the year 1982. Thus, applicants prayed to issue heirship certificate in their name.

3. In support of their claim, applicants filed documents *viz.*, original copy of death certificate of deceased Sadashiv Govind Gavali (Ex.15). From death certificate (Exh.15) it reveals that Sadashiv Govind Gavali died on 17.04.2017. The legal heirs of present deceased have filed the photocopy of their Aadhar-card on record. The bailiff report is at Exh. No.12.

4. After completion of all formalities, publication was made in the daily news paper 'Dainik Vishawuday' dated 26.12.2025 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 evidence affidavit of applicant No.2 (Exh.11). Applicants have filed evidence close purshis (Exh.13). Thus, since there is no objection received within stipulated period regarding the claim of applicants, in my opinion, applicants are the only legal heirs of deceased Sadashiv Govind Gavali. As the applicants being the legal heirs of deceased Sadashiv Govind Gavali, 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 applicants are legal heirs of deceased Sadashiv Govind Gavali. Hence, it would be just and proper to issue Heirship Certificate in favour of applicants 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 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 **Sadashiv Govind Gavali** under this certificate as per para 312 of the Civil Manual.
4. This heirship certificate mere formally recognized that applicants are the heirs of deceased **Sadashiv Govind Gavali**. 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.