

MHLA150001422026 	Order below Exhibit No.1.
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1. This is an application under Rule 2 of Bombay Regulation VIII of 1827 for issuance of heirship certificate.

2. It is the contention of applicant and other legal heirs mentioned in column No.2 of the application that they are the only legal heirs of deceased **Moulasab Habibsab Shaikh**, who died on **06/10/2025**, at village Chakur Tq. Chakur Dist. Latur. As per the applicant mother of deceased died long before and except he and other heirs mentioned in column No.2 of the application, no other person is legal heirs of deceased. Therefore, applicant has prayed for issuance of heirship certificate.

3. Proclamation was issued in daily news paper "Punya Nagari" dated 18/04/2026, inviting all persons who disputes the right of applicant/heirs to appear within one month from the date of proclamation and enter their objections. However, no person appeared and entered any objection disputing the right of applicant/heirs till date.

4. The following points arise for my determination alongwith any findings and reasons thereon is as under.

Sr.No.	What order ?	As per final order.
1.	Whether the applicant's prove that,	Yes.

	they are entitled for heirship certificate.	
2.	What order ?	As per final order.

REASONS

As to point No. 1 & 2

5. The applicant **Magdum** has filed his evidence affidavit vide (Exh.11). He has stated on solemn affirmation that applicant and other legal heirs mentioned in column No.2 of the application are the only legal heirs of deceased. The testimony of applicant is not challenged. The applicant has also relied upon the copy of death certificate of deceased at (Exh.06), paper publication of notice in “Punya Nagari” (Exh.10), publication of proclamation on conspicuous part of notice board of Court Chakur, Nagar panchayat Chakur, Police Station Chakur, Tahasil Office, Chakur. Applicant has filed true copy of adhar card vide exh.4/1 and copy of ration card vide exh.4/2 on record.

6. In case of **Group Grampanchyat, Sasavane v/s Sunda Shamrao Bandishti and others reported in 2011 (2) Mh.L.J 424** it is held that, “In a proceedings for heirship certificate, the court is not required to determine title of the deceased to any property. It is required only to consider whether the persons claiming heirship certificate are the heirs of the deceased. If any person comes forward to claim nearer Kinship than the applicants, the rival claims for the applicant and the person claiming nearer Kinship and to be an heir would be considered by the Court. The Court may decline to grant heirship certificate to any applicant and come to the conclusion that the applicant is not an heir of the deceased of that here are nearer

kins who are entitled to the heirship certificate. The question of title to the property allegedly held by the deceased is alien to such inquiry. Whether the deceased had any title to the property is not and indeed cannot be decided by the Court in an application for the heirship certificate made under the Regulation.

7. In case of **Aloysius Manuel D'souza and Ors. Vs Mary Kamala Wiilliam Manuel D'souza 2006(6) Bom. C.R. 56. Hon'ble Bombay High Court** has observed that the grant of heirship certificate does not establish the right of a party in a property of the deceased by itself. The right, if any, of the person claiming ownership in the property of the deceased are not taken away by grant of an heirship certificate to an heir. On the other hand, clause 7 makes it clear that the heirship certificate holder is accountable to all persons having an interest in the property for the acts done by him. Based on the heirship certificate solicitor the heirship certificate holder cannot be said to have acquire any right, title or interest in the estate of the deceased.

8. In case of **Salimabi Shaikh Shabbir Ors. Vs The State of Maharashtra 945 WP No. 924 of 2020 (Bom.). The Hon'ble Bombay High Court** has observed that an heirship certificate does not bestow the status of an heir upon a person. Grant of such a certificate is only a formal recognition of his existing status as an heir. And heir or executor or legal administrator by his such status can assume management of the property of the deceased even without the formal recognition by the court.

9. The unchallenged evidence on record shows that **Moulasab Habibsab Shaikh**, who died on **06/10/2025**, leaving behind

the applicant and other legal heirs mentioned in column No.6 of the application. It also appears that, they are the only legal heirs of deceased **Moulasab Habibsab Shaikh**. Hence, they are legally entitled to get the heirship certificate. Therefore, application deserves to be allowed. Hence, as per the power conferred by Rule 2 of Bombay Regulation Act (VIII of 1827) and Section 28-A(1) of the Bombay Civil Courts Act (XIV of 1869) and Civil Manual Para (304 and 305), I pass following order.

ORDER

- 1) Application is allowed.
- 2) Issue heirship certificate in favour of the applicant and other legal heirs mentioned in column No.2 of the application, declaring them as legal heirs of deceased **Moulasab Habibsab Shaikh**, in prescribed format as per Appendix B of the Bombay Regulation Act, 1827, alongwith note of Sec.7 of the said Act and with further note in view of para 312, Chapter XIV of the Civil Manual should be appended to the said certificate.
- 3) This heirship certificate is formal recognition and does not grant any right in the property of deceased.
- 4) Applicant to submit court fee stamp as per rules.

(**Smt. D.S. Karbhajan**)
Jt. Civil Judge Junior Division,
Chakur.

Date : 18/06/2026