

MHLA160007752021



Presented on : 14/09/2021

Registered on : 14/09/2021

Decided on : 22/07/2026

Duration : YY MM DD

04 10 08

IN THE COURT OF CIVIL JUDGE JUNIOR DIVISION, DEONI,
DISTRICT LATUR.

(Presided Over by S.A. Surjuse)

Civil M.A. No.155/2021

Exhibit No.33

1. **Sangita W/o. Balaji Biradar,**
Age: 40 years, Occu. – Household,
2. **Aarav S/o. Balaji Biradar,**
Age: 08 years, Occu. – Education,
Minor U/G of his natural mother i.e.
applicant No.1
Both R/o. Dawanhipparga,
Tq. Deoni, Dist.Latur.

...**Plaintiffs**

Versus

1. **Ranubai D/o Balaji Biradar,**
Age: 25 years, Occu. - Household,
R/o Dawanhipparaga, Tq. Deoni,
Dist. Latur,
At present C/o K.B. Kulkarni,
opposite Purnawadi Sahkari Bank,
Mitra Nagar, Latur.
2. **Kamalbai W/o Balaji Biradar @**
Kamalbai W/o Ashok Patil,
Age: 48 years, Occu. - Household,

R/o C/o Ashok Patil, At Sulhali,
Tq. Jalkot, Dist. Latur.

...**Defendants**

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Appearance :-

Advocate Shri. D.D. Somwad and U.S. Birajdar for applicants.

Advocate Shri. M.B. Patil for respondent No.1

Advocate Shri. M.S. Nagrale for respondent No.2.

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J U D G M E N T

(Delivered on: 22/07/2026)

This is application for revocation of heirship certificate under Section 390 read with 383 of Indian Succession Act 1925.

The applicant's case in short as under -

02. Applicant No.1 and 2 are wife and daughter of deceased Balaji Nagshetti Biradar respectively. After death of Balaji on 25/02/2015, the applicant No.1 had filed Civil Miscellaneous Application No.34/2015 for heirship certificate. The respondents had objected the same. Therefore, that application was transferred to the Hon'ble Civil Judge Senior Division, Udgir and renumbered as Civil M.A. No.23/2016. During pendency of that application and having sufficient knowledge, the respondent No.1 had suppressed material fact and filed Civil M.A. No.106/2020. The paper notice was published in Dainik Yashwant news paper on 22/11/2020. It was not circulated in the village Davanhipparga. Therefore, the applicants had not got knowledge of that notice. Thereafter, respondent No.1 added respondent No.2 as applicant in that application.

03. The respondents played fraud with the Hon'ble Court, suppressed material fact of Civil M.A. No.23/2016, obtained impugned order dated 22/02/2021, obtained mutation

in their name on that basis and alienated some portion of land of Balaji. The applicants are also legal heirs of deceased Balaji. The respondents trying to alienate the land of Balaji on the basis of that certificate. Therefore, they prayed to revoke the heirship certificate and order dated 22/02/2021 passed in Civil M.A. No.106/2020.

04. The respondent No.2 failed to file say, therefore, this application is proceeded without say, vide order dated 21/10/2022.

05. This application is proceeded ex-parte against respondent No.1, vide order dated 26/10/2023. Thereafter, she filed application (Exh.27) to set aside ex-parte order. It was allowed subject to costs Rs.2000/- on 14/02/2024. But she failed to comply that order and pay the costs. Therefore, this application is proceeded ex-parte.

06. I have carefully gone through the record and arguments. The following points are arising for my determination and I recorded my findings and reasons therein as under.

No.	Points for determination	Findings.
1.	Whether the respondents obtained heirship certificate by playing fraud and concealing material fact in Civil M.A. No.106/2020 ?	Yes.

2.	Whether the applicants are legal heirs of deceased Balaji Nagshetti Biradar ?	Yes.
3.	What order ?	As per final order.

REASONS

07. List of witness of applicant

No.	List of witness	Exh.
1.	Sangita Balaji Biradar (AW-1)	22
2.	Umakant Vaijanath Biradar (AW-2)	23

08. List of document of applicant

No.	List of document	Exh.
1.	Civil M.A. No.106/2020	31
2.	Judgment of Civil M.A. No.106/2020	32
3.	Evidence of Ranubai in M.A. No.106/2020	33
4.	Death extract	34
5.	Civil M.A. No.23/2016	35
6.	Paper notice dated 05/09/2023 with list	18

09. Learned advocate Shri. U.S. Biradar for applicants argued at length and taken me to the record and evidence. According to him, the respondents played fraud, concealed material fact and thereby obtained heirship

certificate. It is required to be revoked.

10. The respondents and their Advocates are continuously absent and failed to proceed with case. Hence, their argument is closed and proceeded the application further.

POINT NOS.1 TO 3 :-

11. Aforesaid points are interlinked and to avoid the repetition, the points are taken to discuss simultaneously.

12. Sangita (PW-1) and Umakant (PW-2) have reproduced contents of application. But the respondents failed to cross-examine them. They also failed to contest this application inspite ample opportunity and sufficient time. They have not pleaded their base or defence. They remained silence and keep mum. Its adverse inference can be drawn as they have no good or probable defence. It is helpful to the applicants. There is no circumstance to discard or disbelieve evidence of aforesaid witnesses. Accordingly, their evidence is remained unshaken. It is established their right.

13. The death of Balaji Nagshetti Biradar is undisputed fact. The copy of Civil M.A. No.106/2020, copy of judgment of Civil M.A. No.106/2020, copy of evidence of Ranubai and copy of death extract and copy of Civil M.A. No.23/2016 have corroborated to the same. Accordingly,

that fact is duly proved.

14. In order to decide this application, the heirship of deceased Balaji is most important. Accordingly, the relations of parties are playing vital role. It is pertinent to note here that Balaji died intestate. As per the case of applicant's they and respondents are legal heirs of deceased Balaji. It is established that applicant No.1 and respondent No.2 are widows and applicant No.2 and respondent No.1 are children of deceased Balaji. But there are no pleadings or evidence about who is first wife and second wife of Balaji. Similarly, the status of applicant is not specifically denied by respondents. The applicant No.1 and 2 being widow and daughter are recognized heir of deceased Balaji. But that fact was concealed and suppressed by the respondents while obtaining legal heirship certificate in Civil M.A. No.106/2020. It is concealment of material fact, which amounts to fraud. Therefore, the applicant succeeded to prove the base of relief and their entitlement for legal heirship certificate. That relief can be granted as per Section 390 and 383 of Indian Succession Act.

15. As above discussed the respondents obtained heirship certificate of Balaji by playing fraud and concealing material fact. There is need to revoke the heirship certificate issued in Civil M.A. No.106/2020. Therefore, the application deserved to be allowed. Hence, I answered

point No.1 and 2 in affirmative and passed following order
in answer of point No.3.

:-: ORDER :-:

1. The application is allowed and the legal heirship certificate dated 22/02/2021 in Civil M.A. No.106/2020 is hereby revoked in the interest of justice.
2. The fresh legal heirship certificate shall issue in name of applicant No.1 and 2 and respondent No.1 and 2 as per rule, after payment of necessary Court fees.
3. The respondent No.1 and 2 shall deposit the heirship certificate issued on 22/02/2021 in Civil M.A. No.106/2020 within a month, in the Court.
4. Order dictated on computer and pronounced in open court.

Date-22/07/2026
Deoni.

(S.A. Surjuse)
Civil Judge, Jr. Dn., Deoni.

:: Certificate ::

I affirm that the contents of the P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer	M.N. Yenge
Name of the Court	Shri. S.A. Surjuse, Civil Judge Jr. Division, Deoni.