

MHLA150002892026 	<u>Order Below Exh.01.</u>
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1. This application is filed by the applicant for issuance of heirship certificate.
2. It is the averments of the applicant that, she and heirs mentioned in column no. 3 of the application are the only legal heirs of deceased **Gorakh Govindrao Divatewad**, who died on 11.02.2025 at Vilasrao Deshmukh Govt. Medical Collage Latur Tq. & Dist. Latur. He was the resident of village Brahmawadi (Yengewadi), Tq. Chakur Dist. Latur. As per the applicant mother of deceased died long before and except she and heirs mentioned in column no. 3 of the application, no any other person is legal heir of deceased. Therefore, applicants have prayed for issuance of heirship certificate.
3. Proclamation (Exh.10) was issued in daily news paper "Punya Nagari" dated 24.03.2026, 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. Furthermore, matter was also affixed on Notice Board of gram Panchayat office Brahmawadi (Yengewadi), Tq. Chakur Dist. Latur.
4. The applicant **Triven** has filed her affidavit of evidence vide Exh.11. She has stated on solemn affirmation that applicant and heirs mentioned in column no.3 of the application are the only legal heirs of deceased **Gorakh Govindrao Divatewad**. The testimony of applicant is not challenged. The applicant has also relied upon death

certificate of deceased (Exh.06), paper publication of notice in "Punya Nagari" (Exh.10), Applicant has filed true copies of Aadhar card 4/1 to 4/3 and copy of ration card vide exh. 4/4 on record.

5. 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 there are nearer heirs 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.

6. In case of **Aloysius Manuel D'souza and Ors. Vs Mary Kamala William 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.

7. In case of **Salimabi Shaikh Shabbir Ors. Vs The State of Maharashtra 945 WP No. 924 of 2020 (Bom.)**. In said case Lower rejected application of heirship certificate on ground that applicant has not disclosed the property of deceased in heirship application. However, the Hon'ble High Court set aside the order of Lower Court. The Hon'ble High Court observed that court is only required to consider whether the person claiming heirship certificate is the heir of deceased.

8. From the above material on record, it appears from evidence of applicant that, Triven is wife, Madhav is son, Mangalbai, Kalinda are daughters of deceased **Gorakh Govindrao Divatewad**. So, applicant and heirs mentioned in column no. 3 of the application are the only legal heirs of deceased. Therefore, it will be proper to issue heirship certificate as per Bombay Regulation VIII of 1827. Therefore, application deserves to be allowed. Hence, the following order.

ORDER

- 1) Issue heirship certificate in favour of the applicant and legal heirs mentioned in column No.3 of the application, as legal heirs of deceased **Gorakh Govindrao Divatewad** in prescribed format (Appendix B).
- 2) This heirship certificate is formal recognition and does not grant any right in the property of deceased.
- 3) Applicant to submit court fee stamp as per rules.

Date : 29.06.2026.

(V. S. Waghmode)
Civil Judge Junior Division,
Chakur.