



Order below Exh.1 in Civil M. A. No.1158/2024
Asha V/s. Jaya and others

- 1) This is an application filed by the applicant under Section VIII of the Bombay Regulation Act, 1827 for issuance of heirship certificate in her favour.
- 2) It is contended in the application that Dinesh @ Devilal Premchand Khatri died on 22.12.1992. Applicant is the widow and opponents are children of applicant and deceased Dinesh. Except the applicant and opponents, there is no other legal heir to deceased Dinesh.
- 3) Deceased Dinesh @ Devilal had purchased flat No.5, (area ad-measuring 470.25 square feet carpet) at third floor, in Usha Neel Co-operative Housing Society Limited, situate at Plot No.2, Survey No.38, 38(p) at Village-Chikanghar, Taluka-Kalyan, District-Thane. Applicant being legal heir of deceased Dinesh @ Devilal has filed this application for issuance of heirship certificate in her favour in respect of the above mentioned property.
- 4) After filing the application, proclamation published on 18.02.2025 and on 06.02.2025 public notice was published in daily newspapers "Bittambatmi" for inviting objections. Till date none filed any objection.
- 5) Opponents appeared and filed their no-objection at Exh.10 to Exh.12.

6) Considering the pleadings and documents placed on record by applicants, following points arise for my determination to which, I record my findings thereon for the reasons as follows.

No.	Points	Findings
1.	Whether applicant is entitled for heirship certificate as prayed ?	In the affirmative
2.	What order ?	Application is allowed.

: REASONS :

As to Points No.1 and 2 :

7) Heard learned advocate for the applicant. In support of her contentions, applicant has filed her claim affidavit at Exh.13. She has also filed on record death certificate of Dinesh @ Devilal Premchand Khatri, her Aadhaar card, Registered Agreement for sale dated 13.09.1987, maintenance receipt for October 2024, paper publication in Bittambatmi dated 06.02.2025 and Evidence close pursis at Exh.13.

8) On perusal of documents, it appears that deceased Dinesh @ Devilal Premchand Khatri was the owner of immovable property in question. Applicant and opponents are legal heirs of deceased Dinesh @ Devilal. None opposed the application. Therefore, the application deserves to be allowed. Hence, I pass the following order.

: ORDER :

i)	Application is allowed.
ii)	Asha Dinesh @ Devilal Khatri, Jaya Devi, Naresh Dinesh @ Devilal Khatri and Arjun Dinesh @ Devilal Khatri are legal heirs of deceased Dinesh Premchand Khatri.

iii)	Issue heirship certificate in the name of Asha Dinesh @ Devilal Khatri showing her as legal heir of deceased Dinesh Premchand Khatri, in respect of flat No.5, Third Floor, Usha Neel CHSL, Chikanghar, Kalyan, District-Thane (mentioned in detail in paragraph No.3 of this order), on payment of requisite court fees as per rules.
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Place : Kalyan
Date : 30.07.2026

(J. S. Kokate)
4th Joint Civil Judge
Senior Division, Kalyan