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**IN THE COURT OF CIVIL JUDGE, JUNIOR DIVISION, PARSEONI,
DISTRICT-NAGPUR**
(Presided over by N.R.Bhalgat)

Misc. Civil Case No.04/2019
(CNR No.MHNG14-000095-2019)

Exh.No. 11

Applicants:

1. Smt.Jaibai, W/o.Rambhau Shendre,
Aged about 66 years, Occupation-Household,
r/o.Waraipura, Mondha, Kamptee,
Tahsil-Kamptee, District Nagpur.
2. Smt.Shakuntalabai, W/o.Zibal Bharsakhare,
Aged about 59 years, Occupation-Household,
r/o.Near Samay Medical, Mahakali Ward,
Chandrapur, Tahsil & District Chandrapur.
3. Raju Natthuji Choudhari,
Aged about 49 years, Occupation-Labour,
r/o.Bajrang Nagar, Gali No.12, Near Amol
Dudh Dairy, Nagpur, Tahsil & District Nagpur.

:- Versus :-

Non-applicant: NIL

Smt.V.T.Chaudhari – Learned Adv. for the applicants.

APPLICATION FOR GRANT OF LEGAL HEIRSHIP CERTIFICATE.

JUDGMENT

(Passed on 7th day of November, 2019)

The applicants named above have moved this application

under Bombay Regulation Act for grant of legal heirship certificate in their name.

2. According to the applicants, they are real brother and sisters. Late Natthu Motiram Choudhari is their father and late Manjulabai Natthuji Choudhari, whose maiden name is Sarubai Daulai Sarware, is their mother. They died respectively on 27.03.2000 and 09.04.1984. One Jani Daulat Sarware, who died on 27.08.1987, is the mother of their mother Manjulabai Choudhari. Manjulabai Choudhari (i.e. Sarubai Daulat Sarware) and her mother Jani Daulat Sarware have inherited one C.T.S. No.802, admeasuring 185.3 sq.mts. situated at Parseoni, Tahsil-Parseoni, District-Nagpur, out of which they sold half of its portion to one Ganpati Ramaji Runghe on 15.04.1986. In this manner, they were left in possession of 92.1 sq.mts. of area. After the death of Manjulabai Choudhari and her mother Jani Sarware, the applicants being their only legal heirs are entitled to get their names mutated as against the aforesaid C.T.S. No.802, admeasuring 92.1 sq.mts. situated at Parseoni, Tahsil-Parseoni, District-Nagpur. Hence, they have moved this application for grant of legal heirship certificate. The aforesaid property being situated at Parseoni, this court has jurisdiction to entertain, try and decide the instant application.

3. In view of this application, due publication was made in the local newspaper. The report of publication is filed on record. So also, the newspaper is filed on record. Present application is supported by an affidavit. Apart from this, the applicants have also

filed and proved the verified photocopy of death certificates of Manjulabai Choudhari, Natthuji Choudhari and Janabai Daulat Sarware to the effect that they died respectively on 09.04.1984, 27.03.2000 and 23.08.1987 and also filed and proved the verified copies of their Adhar cards. All the documents probablises the claim of applicants that they are the only legal heirs of deceased Manjulabai Choudhari (i.e. Sarubai Daulat Sarware) and her mother Jani Daulat Sarware. Apart from this, no one has claimed to be the legal heir of deceased Manjulabai Choudhari and her mother Jani Daulat Sarware after publication of public notice in the concerned newspaper. The applicants have also filed an affidavit of applicant no.3 Raju Choudhari to support their case. The deposition of this witness is in line with the contentions of the applicants in their main application. Hence, I do not find any reason to reject the claim of applicants. Accordingly, I proceed to pass the following order:-

ORDER

1. The application is hereby allowed.
2. The applicants are entitled to have the heirship certificate under Rule 3 of Chapter I of the Bombay Regulation Act VIII of 1827.
3. The draft of the certificate be prepared according to law.
4. Case is hereby closed.

Parseoni.
Date-07.11.2019

(N.R.Bhalgat)
Civil Judge, Jr.Dn., Parseoni,
Tahsil-Parseoni, District-Nagpur.

Argument heard on	07.11.2019
Judgment delivered on	07.11.2019
Transcription ready on	07.11.2019
Judgment checked and signed on	07.11.2019

CERTIFICATE

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

Name of Stenographer-Abhijit Yeshwant Kulkarni

DISTRICT COURT
NAGPUR