

MHNG150002462026

**Order Below Exh.01 in MJC No.15/2026****(Sakuntala Nimje and Ors V/s. Nil)****(Order Dated 25/03/2026)**

01. This is an application under Rule 1 and 2 of Bombay Regulation VIII of 1827 for declaring applicants as recognized heirs of the deceased namely Shivshankar Ravindranath Nimje (hereinafter referred as “the deceased” for short).

02. It is contended by applicants that the deceased died on 20/10/2025. Applicant No. 1 is mother, applicant No.2 is wife and applicant No.3 is son of deceased. Father of deceased namely Ravindranath Shivram Nimje was already died on 09/02/2000. Applicants are only legal heirs of the deceased. The applicants want heirship certificate of deceased for personal use. Hence, they are constrained to file the present application.

03. Heard Learned Advocate for applicants. Perused the record. I have also gone through the documents placed on the record.

04. In support of the contentions, applicants filed affidavit of examination in chief of applicant No. 3 (Exh.8). The applicants produced following documents :-

- i. Verified Copy of Death certificate of deceased (Exh.-9),
- ii. Verified copy of Aadhar Card of deceased (Exh.-10),
- iii. Verified copy of Aadhar card of all applicants (Exh.-11 to 13),

iv. Paper publication notice published in the newspaper namely “Navrashtra” dtd.18/02/2026 (Exh. 14).

05. It is settled law that, the heirship certificate holder cannot be said to have acquired any right, title or interest in the estate of the deceased. In 2006(6) Bom.C.R. 56 ***Aloysius Manuel D'souza and ors. vs. Mary Kamala William Manuel D'souza*** and 2011 (2) Mh.L.J.424 ***Group Grampanchayat, Sasavane V. Sunanda Shamrao Bandishti***, it has been held by Hon'ble Bombay High Court that,

“the grant of heirship certificate does not establish the right of a party in property of the deceased by itself. The right, if any, of a person claiming ownership in the property of the deceased are not taken away by grant of an heirship certificate to heirs. On the other hand, clause 7 makes it clear that heirship certificate holder is accountable to all persons having an interest in the property for the acts done by them.”

06. Here it is necessary to re-narrate the ratio laid down by Hon'ble Bombay High Court in case of ***Ganpati Vinayak Achwal (Sole Petitioner)*** reported it in 2014 (12) Mah. L. J. 683 that

“the position of law that emerges from the above provision is that, an heirship certificate does not bestow the status of an heir upon applicant, grant of such a certificate is only a formal recognition of his existing status as an heir. An heir of executors or legal administrators, by his status, can assume management of the property of the deceased even without a formal recognition by the Court. Applicant may obtain heirship certificate is any of the tree situation, (i) if he so desires (ii) (3) Where his right as an heir is disputed, and (iii) in order to give confidence to the persons in 6 pt possession of or indebted to the estate and to deal with them. Thus,

grand of heirship certificate is solely for the convenience of the heir. Beyond that, it is of no significance. The rules also indicate that, it is mandatory for the Court to issue an heirship certificate, if after publication of citation, no objector comes forward within one month from the date of publication. In that case, the Court shall forthwith receive such proof as may be offered of the right of the applicants making the claim, and if satisfied, shall grant a certificate in the prescribed form declaring him the recognized heir of the deceased. The scope of such enquiry is limited to ascertain the claim of heirship of the applicant. The petitioner's claim and the impugned order are required to be appreciated against the above legal position.”

07. In light of ratio laid down in the aforesaid authorities of Hon'ble Bombay High Court, I proceed to appreciate the present application. It is seen from death certificate of deceased (Exh. 09) that he died on 20/10/2025. Applicants have already complied with Rule 2 of the Bombay Regulation VIII of 1827, by issuing public notice. In support of proof of proclamation, public notice publication of “Navrashtra” dtd.18/02/2026 (Exh.-14) is placed on record. It is prima-facie appeared from the documents i.e. Verified copy of death certificate of deceased (Exh.9), Verified copy of Aadhar card of deceased (Exh. 10), Verified copy of Aadhar cards of applicants (Exh. 11 to 13) and unchallenged evidence of applicant No. 3 that applicants are only legal heirs of deceased. Even after issuance of proclamation, no objection appeared on record till today. On being satisfied with the documentary proof on record and considering relation of applicants with deceased, it is necessary to formally recognized them as legal heir of the deceased. Hence, following order is passed:

-:: O R D E R ::-

- I. Issue a certificate in the form of Appendix B of the Bombay Regulation VIII of 1827, for declaring applicants as formally recognized heir of deceased Shivshankar Ravindranath Nimjeon payment of Court fees.
- II. This certificate is not useful to transfer the any other movable (including money) and immovable property of the deceased.
- III. It is also needless to mention that this certificate does not establish the right of applicants in properties of the deceased by itself.
- IV. The certificate is issued subject to provision of Chapter 14 para 312 of the civil manual.

Date :-25/03/2026

(V. H. Khedkar)
Civil Judge Jr. Division, Hingna.
Dist:- Hingna