

MHNG150031222025



MJC No.151/2025
[Kesarbai and oths. Vs. Nil]

ORDER BELOW EXH.01

This is an application moved by the applicants under Section 10 (A) of the Bombay Regulation Act, 1827 for issuance of Heir-Ship Certificate in their name.

2] The applicants have averred that applicant No.1 Kesarbai Yuvraj Bopche is widow, applicant No.2 Sunil Yuvraj Bopche, applicant No. 3 Santosh Yuvraj Bopche are sons, applicant No. 4 Sunita Vijay Sharnagat and applicant No.5 Anita Mangesh Kadve are daughters of the deceased Yuvraj Baliram Bopche who was died on 26/05/2022. Mother of deceased namely Kausanbai Baliram Bopche died on 11/07/2023.

3] The applicants being legal heirs of the deceased Yuvraj Bopche are in need of the legal heir-ship Certificate for the mutating their names in revenue record to the property standing in the name of the deceased. So, they moved before the Court.

4] Paper publication of the said application was published on 10/01/2026 in Daily News paper "Navrashtra" [Exh.14] for inviting objections but no one has filed any objection.

5] Considering the pleadings and documents produced on record

by the applicants, following points arise for my determination to which, I record my findings thereon for the reasons as follow.

	Points	Findings
1.	Whether the applicants are entitled for heir-ship certificate as prayed ?	Yes.
2.	What order ?	As per final order.

REASONS

Points nos. 1 and 2 :-

6] Heard Learned Advocate for the applicants. The applicants have filed verified copies of Adhar Cards of applicants (Exh.18 to 22), Pan card of applicant No. 4 and 5 (Exh.23 and 24), Death Certificate of deceased Yuvraj Baliram Bopche (Exh.15), Death Certificate of deceased Kaushanbai Baliram Bopche (Exh.16), Adhar Card of deceased (Exh. 17).

7] Besides documentary evidence, the applicant No. 2 has also filed affidavit at Exh. No.9. He has deposed in respect of averments of the application and categorically stated on oath that, applicants are legal heirs of deceased Yuvraj Baliram Bopche. The applicants have submitted that they are in need of legal heirship certificate to making entry in various Government record as legal heirs of the deceased. So, they have applied for legal heir-ship certificate. Further, they have stated that, in-spite of paper publication, nobody has raised any objection for issuance of heir-ship certificate. Hence,

they have requested to formally recognize them as legal heirs of deceased Yuvraj Bopche.

8] I have gone through the documents and affidavit of applicant no.2 on record. His affidavit is in consonance with the documents placed on record and contents of application. His evidence has gone unchallenged. Thus, from the documents and affidavits placed on record, it is clear that, the applicants are legal heirs of deceased Ganraj.

9] In this context, it is just and proper to rely on the case law reported in ***Group Gram Panchayat Sasavane Vrs. Sunanda Shamrao Bandishti and others*** reported in ***2011 [2] Maharashtra Law Journal, 424*** wherein it is observed that:-

“In a proceeding for heir-ship certificate, the Court is not required to determine the title of the deceased to any property. It is required only to consider whether the persons claiming heir-ship 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 heir-ship certificate to any applicant and come to the conclusion that the applicant is not an heir of the deceased or that there are nearer kins who are entitled to the heir-ship 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 heir-ship certificate made under the regulation.”

10] In view of the above ratio laid down by the Hon'ble High Court and in the light of the averments of the applicants, I answer point No.1 in the affirmative and in result point No.2 proceed to pass the following order.

ORDER

1. Application is hereby allowed.
2. Issue legal heir-ship certificate in the name of applicant Nos.1)Kesarbai Yuvraj Bopche, 2) Sunil Yuvraj Bopche, 3) Santosh Yuvraj Bopche, 4) Sunita Vijay Sharnagat and 5) Anita Mangesh Kadve to the effect that, they are the legal heirs of the deceased **Yuvraj Baliram Bopche on payment of Court Fees as per rules.**

Hingna
Date 10/03/2026

[**V. I. Shaikh**]
Joint Civil Judge (J.D.),
Hingna.

Certificate

I affirm that the contents of this PDF order are same word to word as per the assigned order.

Name of stenographer : N.R. Bisne

Court : Jt.Civil Judge, Jr.Dn. & J.M.F.C., Hingna