

MHPA210001732026



ORDER BELOW EXH.01 IN
CIVIL M.A. NO. 29/2026,
SHAIKH SALIM & OTHERS VS. NIL.
[PASSED ON 17/06/2026]

The applicants have filed an application seeking the issuance of an heirship certificate under Section 2 of the Bombay Regulation VIII of 1827, recognizing the legal heirs of the deceased, Shaikh Usman S/o. Shaikh Alam.

Facts of the Case:

02. The applicants states that Shaikh Usman S/o. Shaikh Alam, who resided at Sonpeth, Tq. Sonpeth, Dist. Parbhani, passed away on 22/03/2011, at Sonpeth, Tq. Sonpeth, Dist. Parbhani. The applicant No. 1 Shaikh Salim S/o. Shaikh Usman (Son) and applicant No.2 Shaikh Kalim S/o. Shaikh Usman (Son) of the deceased. The applicants seeks the heirship certificate for official purposes, and this claim has been duly supported by the applicant's affidavit.

Publication and Notice:

03. A publication was made in the daily newspaper Dainik Deshonatti on 27/03/2026, as shown in Exh.13. A Bailiff's report (Exh. 08) confirms that the notice was affixed in conspicuous places: the deceased's house, the Tahsil Office, the Municipal Council Office, and the Court. Despite this, no objections were raised by any party regarding the applicant's status as the legal heir of the deceased.

Documents Submitted:

04. The applicant No.02 Shaikh Kalim has submitted an evidence affidavit (Exh.11). The death certificate of the deceased (Exh.12). Copies of the Adhar cards of the applicants (Exh.14 and 15) and copy of the Election Voter Card of the deceased (Exh.16). The applicant No.01 stated on oath that, the deceased was resident within territorial jurisdiction of this Court. In support of his contention, he filed copy of Ration Card of the deceased (Exh.17). It seems from Ration card that, the deceased had resident within the jurisdiction of this Court. Therefore, this Court having jurisdiction to entertain the application. The applicant No.02 placed on record a copies of Ration Cards at Exh.18 which is issued by Tahsildar, Sonpeth Tq. Sonpeth, Dist. Parbhani in his name. The applicant stated on oath that his mother namely Shanurbee Usman Shaikh and his grandmother namely Shaikh Rashedbee Shaikh Alam has already been died. In support of his contention, he filed copies of non-availability certificates of his mother and grandmother at Exh. 21 and 22.

Legal principle:

05. The Court is guided by the Hon'ble Bombay High Court's ruling in Shri. Ganpati Vinayak Achwal's Case, 2015 (2) All MR 285, which held that the issuance of an heirship certificate does not confer

the status of an heir upon a person but only formally recognizes the existing status of an individual as an heir.

Courts finding:

06. Upon reviewing the evidence and the absence of any objections, it is clear that the applicants mentioned in the application are the only legal heirs of the deceased. The evidence has not been challenged, and the publication has not elicited any dispute regarding their heirship. Therefore, the grant of the heirship certificate is a formal acknowledgment of the established legal heirship. In light of the unchallenged evidence, documents submitted, and the absence of any objections, there is no reason to prevent the issuance of the heirship certificate. Hence, I proceed to pass the following order;

ORDER

1. The application is allowed.
2. The heirship certificate shall be issued as per Appendix B of The Bombay Regulation VIII of 1827 in the name of the applicants No.01 and 02 being legal heirs of the deceased Shaikh Usman S/o. Shaikh Alam, after the requisite court fees are paid as per the rules.

Date :- 17/06/2026

(Dr. A.Z. Sayed),
Civil Judge, Junior Division,
Sonpeth.

CERTIFICATE

I affirm that the contents of this P.D.F. file of order is same, word to word as per the original order.

Name of the Stenographer	-	Vibhute Balasaheb Anantrao
Name of the Court	-	C.J.J.D. & J.M.F.C., Court, Sonpeth.
Date of Order	-	17/06/2026
Order signed by the Presiding Officer on	-	17/06/2026
Order uploaded on	-	17/06/2026