

MHRG100001612025



Order below Exh. 1 in Civil M.A. No. 45/2025

The present application is filed by applicants for grant of legal heirship certificate under Bombay Regulation Act VIII of 1827 (Hereinafter 'the Act').

2. It is contended that the wife of applicant No. 1 and mother of applicant No. 2 & 3 i.e. Rohini Vinod Butala died on 15/07/2017 at Mahad, Dist. Raigad. The applicants are legal heirs of the deceased Rohini Vinod Butala. To mutate their names to the property of deceased Rohini, applicants are in need of heirship certificate. Hence, this application.

3. Perused the application, affidavit and material placed on record. Today heard Ld. Counsel Adv. Rohan P. Mehta for the applicants.

4. Applicants, in support of their claim, have relied upon claim affidavit of applicant no.2 (Exh. 11) and produced the certified copy of death Certificate of Rohini Vinod Butala at Exh. 12, copy of 7/12 extract of survey No. 1/10C, valuation report of survey No. 1/10C and copy of paper publication at Exh. 12. It reveals that deceased Rohini Vinod Butala died on 15/07/2017. After completion of publication alongwith list Exh. 12 in the daily news-paper 'Dainik Sagar' dated 25/09/2025 and also proclamation, objections were called, but after its publication nobody has raised any objection regarding the claim of the applicants as legal heirs of deceased Rohini Vinod Butala till date. The contentions of applicants have been supported by an affidavit of evidence of the applicant no. 2 at Exh. 11. It is also argued on the behalf of applicant

that, to enter names to the survey No. 1/10C they are in need to obtain heirship certificate. Considering the evidence placed before me and the fact that claim of the applicants remaining unchallenged, it appears that applicants are legal heirs of deceased Rohini Vinod Butala.

5. Therefore, the applicants are being legal heirs of the Late Rohini Vinod Butala, it would be just and proper to issue Heirship Certificate in favour of applicants. It is well settled position of law that Bombay Regulation II of 1827 provides for **mere formal recognition of heirs**, executors and administrators, and for the appointment of administrators and managers of property by the courts and the certificate does not create or confirm any rights, title or interest in itself.

6. In view of the above discussion, it can be said that the applicants have prima-facie proved their claim for issuing Heirship Certificate and there is no bar to issue the same in their favour. Hence, the order -

ORDER

1. Application is allowed.
2. Issue heirship certificate in the name of applicants as legal heirs of deceased Rohini Vinod Butala vide Section 2 of Bombay Regulation II of 1827 after depositing requisite Court-fees, if any, as discussed above.
3. The applicants to file full inventor of all the properties and credits under this certificate as per para **312 of the Civil Manual.**

(Dictated and pronounced in open Court)

Place : Mahad.
Date : 12/03/2026.

(U. M. Jadhav)
2nd Jt. Civil Judge Junior Division,
Mahad, Dist. Raigad.

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

Name of Court :- Mr. Uday Mahadev Jadhav,
2nd Jt. Civil Judge (J.D.) and
Judicial Magistrate First Class,
Mahad.

Name of Stenographer :- Mr. B. T. Deshmukh

Date of decision / typed :- 12/03/2026

Judgment / order signed by :- 12/03/2026
the P.O. on

Judgment / order uploaded :- 12/03/2026
on