

MHRG140017132025



Civil M.A. No.231/2025
Yasmin Hasan Patel & ors Vs. Nil

ORDER BELOW EXHIBIT 1

1. Perused the application. Heard learned counsel for the applicants. This application is filed by applicants for issuance of legal heirship certificate under Bombay Regulations Act, 1827.

2. It is the contention of the applicants that, applicant no.1 is the daughter, applicant no.2 is the son and applicant no.3 to 5 are grandchildren of deceased Zohrabibi @ Zohra Mohammed Hasan Patel. Deceased Zohrabibi @ Zohra Mohammed Hasan Patel died on 05.12.2006 at Mumbai. Deceased Zohrabibi @ Zohra Mohammed Hasan Patel was having properties at Mauje Bokadvira, Taluka-Uran, District-Raigad. That properties were acquired by government. CIDCO has declared additional benefits regarding the land acquired. Applicants being heirs of the deceased Zohrabibi @ Zohra Mohammed Hasan Patel are entitled to get these benefits. Therefore, they approached the concerned officer who asked for heirship certificate. Hence, they prayed for grant of Heirship Certificate.

3. Perusal of record shows that the applicant no.3 Faisal Abdul Hamid Patel (AW-1) has filed his affidavit for evidence at Exh.12 and deposed about death of his grandmother Zohrabibi @ Zohra Mohammed Hasan Patel and they are the legal heirs of deceased Zohrabibi @ Zohra Mohammed Hasan Patel. It appears that the testimony of the applicant no.3 Faisal Abdul Hamid Patel about death of his grandmother Zohrabibi @ Zohra Mohammed Hasan Patel is supported by death certificate at

Exh.18. Applicants also filed death certificate of deceased Mohammed Hasan Patel who was husband, deceased Jahida Hamid Patel who was daughter and deceased Abdul Hamid Patel who was son in law of deceased Zohrabibi @ Zohra Mohammed Hasan Patel at Exh.19 to 21. Copy of award of village Bokadvira, unit case no.6/88 and 271/87 are filed at Exh.16 and 17 respectively. Verified copies of Ration card of applicants is filed at Exh.22 to 24. Verified copies of Adhar card of applicants are filed at Exh.25 to 30. Verified copy of Pan card of applicant no.1 and 5 are filed at Exh.30 and 31 respectively. Exh.32 is the copy of newspaper i.e. 'Vadalvara' dated 26.11.2025 which shows that the notice of application made by applicants have been issued through paper publication, but no one appeared from public at large in the case. Citation notice was also issued but no one has taken any objection. It appears that the application at Exh.01 for issuance of heirship certificate remained uncontested and unchallenged. In a proceedings for heirship certificate, the court is not required to determine title of the deceased to any property. It is required only to consider whether the persons claiming heirship certificate is/are the heirs of the deceased. Oral and documentary evidence produced by applicants shows that they are only heirs of deceased **Zohrabibi @ Zohra Mohammed Hasan Patel**. Therefore, it would be desirable to issue legal heirship certificate in favour of applicants. Hence, I proceed to pass following order:-

ORDER

- i. Present application is allowed.
- ii. The applicants are directed to furnish necessary Court Fee Stamps in terms of provisions of Bombay Court Fees Act 1870, within 30 days from the date of this order, if required.

- iii. It is hereby directed that Heirship Certificate be issued to applicant no.1 **Yasmeen Hasan Patel**, applicant no.2 **Fazal Mehmood Mohammad Hasan Patel**, applicant no.3 **Faisal Abdul Hamid Patel**, applicant no.4 **Mufassir Abdul Hamid Patel** and applicant no.5 **Sabheen @ Sabeen Intikhab Chougale @ Sabheen Abdul Hamid Patel** as legal heir of deceased **Zohrabibi @ Zohra Mohammed Hasan Patel**.
- iv. Present application is disposed off accordingly.

Uran,
Date: 13.03.2026

Sd/-
(M. S. Quazi)
Civil Judge (J.D.), Uran.