

MHRG140017192025



Civil MA No. 233 of 2025

Darshana Kishor Gawand (Gavand) and others
v.
Kavita Kishor Gawand (Gawand) and others

Order below Exhibit 1 in Civil MA No. 233 of 2025

1. The present application is filed by applicants for issuing Heirship Certificate in their names and non-applicant no. 2 and 3. It is contended that deceased-Kishor Chintaman Gavand @ Gawand died intestate on 14.07.2016. Applicant no. 1 is first wife, applicant no. 2 is son, applicant no. 3 is daughter and non-applicant no. 1 is second wife and non-applicant no. 2 and 3 are children of the deceased from second marriage.
2. Public notices were issued in daily newspaper 'Wadalvara' (Exhibit 32) for calling objections from public at large. Similarly, proclamation was also issued (Exhibit 14). Non-applicant no. 1, for herself and non-applicant no. 2 and 3 have submitted that they have no objection if the heirship certificate is given in the name of applicants and non-applicant no. 2 and 3.
3. In support of the present application, the applicant no. 1 i.e. Darshana Kishor Gawand (Gavand) has filed her affidavit at Exhibit 17. Applicant no. 2 i.e. Sahil Kishor Gawand (Gavand) has filed his affidavit at Exhibit 18. Applicant no. 3 i.e. Puja Sameer Mhatre @ Puja

Kishor Gawand (Gavand) has filed her affidavit at Exhibit 19. Applicants have also placed on record verified copy of death certificate of deceased-Kishor Chintaman Gawand (Exhibit 24), verified copy of Ration Card of the applicants (Exhibit 25), verified copy of Aadhar Card of the applicant no. 1 to 3 (Exhibit 26, 28 and 30), verified copy of Pan Card of the applicant no. 1 to 3 (Exhibit 27, 29 and 31) and verified copy of birth certificate of the applicant no. 2 and 3 (Exhibit 36 and 37).

4. Non-applicants have submitted that they have no objection if the heirship certificate is given in the name of applicants and non-applicant no. 2 and 3 and therefore, the claim of applicants and non-applicant no. 2 and 3 regarding they, being the legal heirs of the deceased-Kishor Chintaman Gavand @ Gawand remained unchallenged.
5. The present application also seeks a declaration that non-applicant no. 1, being the second wife of the deceased during the life time of his first wife (applicant no. 1) is not a legal heir of the deceased and is not entitled to recognize as the legal heir of the deceased. It must be noted that this is an civil miscellaneous application. The applicants ought to have filed a suit for declaration for such kind of a declaratory relief. Such kind of prayer cannot be passed in the present application.
6. In view of the above facts and circumstances and in view of no-objection affidavit of non-applicant no. 1, the applicants and non-applicant no. 2 and 3 are entitled for the Heirship Certificate in their

name as the legal heirs of the deceased. No rights in respect of any property has been determined. Hence, I proceed to pass following order:

::ORDER::

1. The application is partly allowed.
2. The Heirship Certificate be issued in the name of the applicant i.e. 1) Darshana Kishor Gawand (Gavand), 2) Sahil Kishor Gawand (Gavand), 3) Puja Sameer Mhatre @ Puja Kishor Gawand (Gavand) and non-applicant no. 2) Vedant Kishor Gawand (Gavand) through non-applicant no. 1 and 3) Ekta Kishor Gawand (Gavand) through non-applicant no. 1 as the legal heirs of the deceased-Kishor Chintaman Gavand @ Gawand on payment of requisite Court fees by them.
3. The Heirship Certificate should be used for the only purpose, which is mentioned in the application.
4. The other declaratory relief is rejected.

Sd/-

Place: Uran
Date : 31.03.2026

(Ms. G. K. R. Tandon)
Joint Civil Judge, J.D. Uran