

MHRG140025872024



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 section VIII of the Bombay Regulations Act, 1827.

2. It is the contention of the applicants that, applicant No.1 is the son and applicant No.2 to 4 are daughters of deceased Harishchandra Shantaram Padte. Harishchandra Shantaram Padte died on 27.01.2013 at Thane. Deceased Harishchandra Shantaram Padte was having properties at village Sheve, 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 Harishchandra Shantaram Padte 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.1 Shri. Omprasad Harishchandra Padte (AW-1) has filed his affidavit for evidence at Exh.14 and deposed about death of his father

Harishchandra Shantaram Padte and they are the only legal heirs of deceased Harishchandra Shantaram Padte. It appears that the testimony of the applicant No.1 Shri. Omprasad Harishchandra Padte about death of his father Harishchandra Shantaram Padte is supported by death certificate filed with list Exh.4. Applicants also filed death certificate of deceased Shantaram Balkrushna Padte who was father, deceased Sitabai Shantaram Padte who was mother and deceased Dnyansarita Harishchandra Padte who was wife of deceased Harishchandra Shantaram Padte on record. Verified copies of award of Village Sheve unit case No.348, 348I, 348 II, 348 III and 348 IV are also filed on record. Applicants also filed verified copies of their Aadhar cards, Pan cards and ration cards on record. Copy of newspaper i.e. 'Vadalvara' dated 29.01.2025 is filed on record 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 applicant No.1 to 4 are the heirs of deceased Harishchandra Shantaram Padte. Therefore, it would be desirable to issue legal heirship certificate in favour of applicant No.1 to 4. Hence, I proceed to pass following order:-

ORDER

- i. Present application is allowed.
- ii. The applicant No.1 to 4 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 **Omprasad Harischandra Padte**, applicant No.2 **Bhagyashri Anant Darne (Bhagyashri D/o Harishchandra Padte)**, applicant No.3 **Pranali Pravin Mhatre (Pranali D/o Harishchandra Padte)** and applicant No.4 **Seema Santosh Mhatre (Seema D/o Harishchandra Padte)** as legal heirs of deceased **Harishchandra Shantaram Padte**.
- iv. Present application is disposed off accordingly.

Uran,
Date: 09.04.2026

(S. P. Wankhade)
Civil Judge (J.D.), Uran.