

MHRG140027382025



Civil M.A. No. 346/2025
Namdev Shiva Kadu & 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 section VIII of the Bombay Regulations Act, 1827.

2. It is the contention of the applicants that, applicant no.1 is the son, applicant no.2 to 4, 6 to 8, 10 and 11 are grandchildren and applicant no.5 and 9 are daughters of deceased Shiva Sitaram Kadu. Deceased Shiva Sitaram Kadu died on 26.01.1991 at Belpada, Tal. Uran, Dist. Raigad. Deceased Shiva Sitaram Kadu was having properties at village Sonari and Jaskhar, Tal. Uran, Dist. Raigad. That properties were acquired by government. CIDCO has declared additional benefits regarding the land acquired. Applicants being heirs of the deceased Shiva Sitaram Kadu 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. Namdev Shiva Kadu (AW-1) has filed his affidavit for evidence at Exh.11 and deposed about death of his father Shiva Sitaram Kadu and they are the legal heirs of deceased Shiva Sitaram Kadu. It appears that the testimony of the applicant Namdev Shiva Kadu about death of his father deceased

Shiva Sitaram Kadu is supported by death certificate filed at Exh.16. Applicants also filed xerox copy of death certificates of deceased Hirabai Shiva Kadu who was wife, Janardan Shiva Kadu who was son and Bayobai Vishwanath Mhatre who was daughter of deceased Shiva Sitaram Kadu at Exh.49 to 51. Applicants also filed death certificate of deceased Prakash Shiva Kadu who was son of deceased Shiva Sitaram Kadu at Exh.17. Certified copy of award of village Sonari, unit case no.132 B, 132 A and village and Jaskhar unit case no.475 are filed at Exh.18 to 20. Verified copies of Aadhar card of applicants are filed at Exh.21 to 27 and 46. Verified copy of Ration cards of applicants are filed at Exh.28 to 37. Verified copies of Pan cards of applicants are filed at Exh.38 to 45 and 47, 48. Exh.52 is the copy of newspaper i.e. 'Vadalvara' dated 15.01.2026 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 Shiva Sitaram Kadu. 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 **Namdev Shiva Kadu**, applicant no.2 **Leela Janardan Kadu**, applicant no.3 **Usha Suresh Mhatre**, applicant no.4 **Sangita Prakash Bhoir**, applicant no.5 **Radhabai Dattatrey Mhaatre**, applicant no.6 **Rakesh Prakash Kadu**, applicant no.7 **Rajani Prakash Kadu**, applicant no.8 **Ramakant Prakash Kadu**, applicant no.9 **Mathura Chandrakant Patil**, applicant no.10 **Yogesh Vishwanath Mhatre** and applicant no.11 **Sadhana Rajesh Patil**, as legal heir of deceased **Shiva Sitaram Kadu**.
- iv. Present application is disposed off accordingly.

Uran,
Date: 13.03.2026

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