

	Civil.M.A.No.33/2025 Prafulla Pathak & Anr. -- Applicants V/s. Nil -- Respondent
IN THE COURT OF CIVIL JUDGE JUNIOR DIVISION, JATH AT JATH.	

ORDER BELOW EXH.1 IN
CIVIL MISCELLANEOUS APPLICATION No.33/2025

The present application is filed by the applicants under Rule 2 of Bombay Regulation Act, 1827 for issuance of heir-ship certificate in their favour.

The brief facts of the application are as under :-

2. Applicant Nos.1 and 2 are the sons of deceased Prabhakar Pandurang Pathak and deceased Pratibha Pandurang Pathak. Prabhakar Pandurang Pathak died on 22.01.1993 whereas Pratibha Pandurang Pathak died on 29.08.2007. According to the applicants, except them there are no other legal heirs to both the deceased. Deceased Prabhakar Pandurang Pathak was the Trustee of Shri. Dattatray Dev Devasthan, Jath, Tal:-Jath. He died intestate. When the applicants filed an application before the Charity Office for appointment of Trustee, they were asked to obtain legal heirship certificate from the Court. Hence, they prayed for issuance of legal heirship certificate in their names. Hence, this application.

3. Heard the Learned Advocate of applicant.

4. In the case of *Ganpati Vinayak Achwal Vs. State* reported in *MH L J 2014(6) 683* the Hon'ble High Court held that, a person may obtain heir-ship certificate in any of the three situations i.e.

- (i) if he so desires,
- (ii) where his right as an heir is disputed, and

(iii) in order to give confidence to the persons in possession of or indebted to the estate and to deal with them. Thus grant of heirship certificate is solely, for the convenience of the heir. Beyond that, it is of no significance. The rules also indicate that, it is mandatory for the Court to issue an heirship certificate, if after publication of citation, no objector comes forward within one month from the date of publication. In that case, the Court shall forthwith receive such proof as may be offered of the right of the person making the claim, and if satisfied, shall grant a certificate in the prescribed form declaring him the recognized heir of the deceased. The only relevant consideration was, whether the applicant establishes that he is the heir of a person in respect of whom, he seeks heir-ship certificate. If no objector comes forward as provided by Rule-3 of Chapter-I of the Regulation, the Court must grant certificate to the applicant.

In view of the above ratio it is necessary to see whether any objection is arose after publication of citation and whether the applicants established themselves as a heir of the deceased person in respect of whom, the applicants seeks heir-ship certificate by adducing necessary proof.

5. Proclamation in the form contained in Appendix-A inviting objections was published on 13.08.2025 in daily newspaper “Dainik Kesari” (Exh.18). However, nobody responded to it till today.

6. The applicant No.1 has adduced his evidence vide Exh.11. In his evidence affidavit, he has reiterated the same facts as per contention in the application. In support of his claim, the applicants have filed on record photocopy Aadhar card of applicant Nos.1 and 2, original copy of death certificate of deceased Prabhakar Pandurang Pathak and Pratibha Prabhakar Pathak at Exh.12 and 13, Extract of PTR at Exh.14 and 15 and paper publication at Exh.18.

7. The evidence adduced by the applicants remained unchallenged as nobody appeared and cross-examined to the applicants. The claim of applicants for grant of heirship certificate has gone unchallenged. As mentioned earlier, there is no objection taken by any person on publication till today. Upon scrutiny of the documentary evidence referred above and the affidavit of applicant No.1, I am satisfied that the applicants are heirs of the deceased Prabhakar Pandurang Pathak as per Section 15 of Hindu Succession Act.

8. As nobody else appeared to resist the application. Therefore, I do not find any difficulty in formally recognizing the applicants as the only legal heir of the deceased Prabhakar Pandurang Pathak as provided in Bombay Regulation VIII of 1827. Therefore, following order is passed-

<u>ORDER</u>	
1.	Application is allowed.
2.	Issue heirship certificate in favour of applicant Nos.1 and 2 as they are formally recognized as legal heirs of the deceased Prabhakar Pandurang Pathak.
3.	Applicants to furnish requisite court fees as per rules.

Date :-07.03.2026
Place:- Jath.

(Prakash C. Bachhale)
Civil Judge Jr. Dn., Jath.

CERTIFICATE

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

Name of the Stenographer.	:	R. B. Samalewale, Grade-3
Court.	:	C.J.J.D. & J.M.F.C., Jath
Date	:	07.03.2026
the Presiding Officer on.	:	10.03.2026
Order uploaded on.	:	10.03.2026