

CNR NO. MHNB020012632022

Civil M.A.No. 851/2022

**Niti Kirtiraj Rajput and others
Vs. NIL**

Order below Exh.1

(passed on 16th January, 2023)

This is an application for grant of heirship certificate to declare the applicant as recognized heir of Late Kirtiraj Mansing Rajput.

2. Perused application and documents filed on record. Heard learned advocate for the applicant.

3. According to the applicant, deceased **Kirtiraj Mansing Rajput** died on **6/4/2021**. Applicant No.1 is widow, applicant No.2 is daughter and applicant No.3 is son of Late Kirtiraj Mansing Rajput. There is no other legal heirs to the deceased except the applicant. The applicant require heirship certificate for government and semi-government official work purpose. Hence, he prayed for formal court's recognition.

4. After filing of an application, the proclamation in the form stated in Appendix 'A' of the Regulation was issued in the local newspaper namely 'Dainik Nanddarshan' dated 16/10/2022 (along with Exh.8) and the objections were called upon. Proclamation (Exh. 13) was published. However, nobody appeared before the court to contest this application.

5. Applicant No.1 has filed evidence affidavit at Exh.10. Applicant stated on oath that the applicants are the only heir of the deceased Kirtiraj Mansing Rajput. The applicant has filed copy of his adhar card along with Exh.3. The applicant has also filed copy of death certificate of Kirtiraj Mansing Rajput along with Exh.14.

6. Rule 2 of the Bombay Regulation provides that if no sufficient objection is offered, the judge will proceed to receive proof about the right of the applicant and, if satisfied, grant a certificate of heirship. Rule 3 is also on the same line and it provides that heirship certificate can be granted on the satisfaction of the Court.

7. In the present case, it can be seen that after expiration of the time mentioned in the proclamation/publication, nobody has appeared and

took objection to this application. The ocular testimony is duly corroborated by the documentary evidence in the form of the death certificate and the copy of newspaper in which the proclamation is published. As the application remained unchallenged, the court proceeds to receive the documents and evidence on record as proof offered of the right of the applicant making the claim vide Rule 3 of the Bombay Regulation VIII of 1827. Hence, I pass the following order.

ORDER

1. The application is allowed vide **Rule 3 of the Bombay Regulation VIII of 1827**. The applicant namely **1) Smt.Nita Kirtiraj Rajput, 2) Yojita Kirtiraj Rajput and 3) Devashish Kirtiraj Rajput** are hereby **formally recognized** legal heir of the deceased **Kirtiraj Mansing Rajput**.
2. Issue heirship certificate in the prescribed form under Appendix 'B' of the Bombay Regulation VIII of 1827 in favour of the applicants after payment of requisite court fees as per Schedule-I of the Maharashtra Court Fees Act, 1959 and proof of identification.
3. The note mandated by **Para 312** of the Civil Manual shall be appended to the certificate without fail.

Date : 16/01/2023.

(Nilesh B. Patil)
2nd Jt.Civil Judge, Jr.Division,
Nandurbar.