

MHYA150011022025



ORDER BELOW EXH.01 IN CIVIL M.A. NO.186/2025
(Passed on 16.04.2026)

This is an application for grant of heirship certificate under section 2 and 5 of the Bombay Regulation Act VIII of 1827.

2. The applicants have contended that, they are the heirs of the deceased Sunita Sudhakarrrao Taywade who died on 06.12.2024 at Mangaladevi, Tal. Ner, Dist. Yavatmal. The applicants have contended that, applicant No.1 is husband, applicant No.2 to 4 are daughters of the deceased Sunita Sudhakarrrao Taywade. The applicants are in the need of heir ship certificate for government and semi government purposes. The applicants are only legal heirs of the deceased Sunita Sudhakarrrao Taywade. So, they prayed for allowing an application and issuing heirship certificate in their favour.

3. After filing of this application, public notice was issued in the Newspaper “Dainik Hindustan” at Exh.9 dated 17.12.2025 and objections were called, if any. Till today nobody has filed any objection to issue the heirship certificate of the deceased in the names of the applicants.

4. In support of this application, applicant No.1 on behalf of all the applicants adduced the evidence by way of affidavit vide Exh.8 before the Court. In his evidence affidavit, he has reiterated the same facts as per contentions of an application. According to

him, the applicants are the heirs of the deceased Sunita Sudhakarrrao Taywade. In support of this application, they filed following documents on record ;

Sr. No.	Particular of documents.	Exhibit No.
1.	Copy of death certificate of the deceased Sunita Sudhakarrrao Taywade.	Exh.10.
2.	Verified copy of Aadhar card of applicant No. 1.	Exh.11.
3.	Verified copy of Aadhar card of applicant No. 2.	Exh.12.
4.	Verified copy of Aadhar card of applicant No. 3.	Exh.13.
5.	Verified copy of Aadhar card of applicant No. 4.	Exh.14.
6.	Report given by police patil.	Exh.15.
7.	Affidavit.	Exh.16.

5. In this context it is just and proper to rely on the following Judgment of the Hon'ble High Court. In the case of **Group Grampanchayat, Sasavne Vs. Sunanda Shamrao Bandisti and others (2011(2) Mh.L.J.), 424**, the Hon'ble High Court observed that “ In a proceeding for heir ship 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 heir-ship certificate is the heirs of the deceased. If any person comes forward to claim neisr kinship that, the applicant, the rival claims for the applicant and person claiming neisr kinship and to be an heir would be considered by the Court. The Court may declined to grant heir-ship certificate to any applicant and come to the conclusion that, the applicant is not an heir of the deceased or that there is neisr kins who is entitled to the heir-ship certificate. The question title to the property allegedly

held by the deceased is alien to such inquiry. Whether the deceased had any title to the property is not and indeed can not be decided by the Court in an application for a heir-ship certificate made under the regulation. ”

6. In view of aforesaid observation of the Hon’ble High Court, even if the applicants are seeking legal heir-ship certificate of the deceased for legal recognition, hence the applicants are only recognized as the legal heirs of the deceased and they are not entitled for any benefit on the basis of the said legal heirship certificate without following due process of law.

7. The applicants filed evidence close pursis at Exh.17. The evidence adduced by the applicants remained unchallenged as nobody appeared and cross-examined to the applicants. The claim of the applicants for grant of heirship certificate has gone unchallenged. Therefore, I am inclined to issue heirship certificate by showing all of them as heirs of the deceased Sunita Sudhakar Rao Taywade. Hence, I proceed to pass the following order :

ORDER

1. Application is allowed.
2. Issue heirship certificate in favour of the applicants as heirs of the deceased Sunita Sudhakar Rao Taywade in the form contained in appendix B of Bombay Regulation VIII of 1827.

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Sudhakar & Ors V/s. Nil

3. The applicants are hereby formally declared as the heirs of the deceased Sunita Sudhakar Rao Taywade.
4. Issue heirship certificate accordingly in favour of the applicants on requisite stamp/fee.

Ner,
Date : 16.04.2026.

(G. C. Fulzalke)
Civil Judge Junior Division,
Ner, Dist. Yavatmal.

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 Stenographer	:-	Ku. B. N. Nare (Grade-III)
Court	:-	Civil Judge Jr. Dn., Ner.
Date	:-	16.04.2026
Order signed by		
the Presiding Officer on	:-	16.04.2026
Order uploaded on	:-	16.04.2026