

MHYA150011562025



ORDER BELOW EXH.01 IN CIVIL M. A. NO.190/2025
(Passed on 16.03.2026)

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

2. The applicants have contended that, they are the heirs of the deceased Anil Sukhdev Borkar who died on 01.03.2020 at Gondgavhan, Tal. Ner, Dist. Yavatmal. The applicants have contended that, applicant No.1 is wife, applicant No. 2 and 3 are sons of the deceased Anil Sukhdev Borkar. The mother of the deceased namely Bebibai Sukhadevrao Borkar also died on 28.08.1990 at Watfala, Tal. Ner, Dist. Yavatmal. The applicants are in the need of heir ship certificate for government purposes. The applicants are only legal heirs of the deceased Anil Sukhdev Borkar. 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.14 dated 26.12.2025 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 her evidence affidavit, she has reiterated the same facts as per contentions of an application. According to her, the applicants are the heirs of the deceased Anil Sukhdev Borkar. 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 Anil Shukhdev Borkar.	Exh.9.
2.	Verified copy of Aadhar card of applicant No. 1.	Exh.10.
3.	Verified copy of Aadhar card of applicant No. 2.	Exh.11.
4.	Verified copy of Aadhar card of applicant No. 3.	Exh.12.
5.	Verified copy of ration card.	Exh.13.
6.	Copy of death certificate of the deceased Bebitai Sukhadevrao Borkar.	Exh.18.
7.	Verified copy of Adhar card of the deceased Anil Sukhdev Borkar.	Exh.21.

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 Anil Sukhdev Borkar. Hence, I proceed to pass the following order :

ORDER

1. Application is allowed.

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Civil M. A. No.190/2025
Smt. Vishakha & Ors V/s. Nil

2. Issue heirship certificate in favour of the applicants as heirs of the deceased Anil Sukhdev Borkar in the form contained in appendix B of Bombay Regulation VIII of 1827.
3. The applicants are hereby formally declared as the heirs of the deceased Anil Sukhdev Borkar.
4. Issue heirship certificate accordingly in favour of the applicants on requisite stamp/fee.

Ner,
Date : 16.03.2026.

(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	:-	16.03.2026
Order signed by the Presiding Officer on	:-	16.03.2026
Order uploaded on	:-	16.03.2026