



ORDER BELOW EXH. 01 IN CIVIL MISC. APP. NO.23/2026
(Ujjwala Vijay Kulmethe + 04 Vs. None)

This is an application under Rule 1 and 2 of Bombay Regulation VIII of 1827 for declaring applicants as recognized heir of the deceased namely **Bhimabai Gajanan Kulmethe**. (hereinafter referred as “**the deceased**” for short).

2] It is contended by applicants that, the deceased **Bhimabai Gajanan Kulmethe** was died on **03/06/2024**. Applicant no.1 is the daughter-in-law of the deceased and applicant no.2 to 5 are the grand children of the deceased. The husband of the deceased namely **Gajanan Tulshiram Kulmethe** was also died on **29/04/2008** and the son of the deceased namely **Vijay Gajanan Kulmethe** was also died on **29/12/2025**. Applicants are the only legal heirs of the deceased. Applicants want heir-ship certificate for the purpose of official and non-official use. Therefore, the applicants filed present application.

3] Heard Learned Advocate for applicant. Perused the record. I have also gone through the documents placed on the record.

4] In support of the contentions, applicant no.1 filed her examination in chief at **Exh.11** and also filed wherein, she reiterated the contents of application. Applicants also relied upon list of documents i.e. verified copy of death certificate of

deceased **Bhimabai Gajanan Kulmethe** at **Exh.12**, verified copy of death certificate of deceased **Gajanan and Vijay** at **Exh.13 & 14**, Affidavit filed by Applicant no.1 at **Exh.15**, verified copy of Aadhar Cards of applicants at **Exh.16 to 20**, paper publication notice published in “ **Lok Doot** ” dated **20/02/2026** at **Exh.21** and closed their evidence vide pursis below **Exh.22**.

5] Based on the solicitor heir-ship certificate holder cannot be said to have acquired any right, title or interest in the estate of the deceased. In 2006(6) Bom.C.R. 56 *Aloysius Manuel D'souza and ors. vs. Mary Kamala William Manuel D'souza* and 2011 (2) Mh.L.J.424 *Group Grampanchayat, Sasavane Vs. Sunanda Shamrao Bandishti*, it has been held by Hon'ble Bombay High Court that, “the grant of heirship certificate does not establish the right of a party in property of the deceased by itself. The right, if any, of a person claiming ownership in the property of the deceased are not taken away by grant of an heir-ship certificate to heirs. On the other hand, clause 7 makes it clear that heir-ship certificate holder is accountable to all persons having an interest in the property for the acts done by them.”

6] Here it is necessary to re-narrate the ratio laid down by Hon'ble Bombay High Court in case of *Ganpati Vinayak Achwal (Sole Petitioner)* reported it in 2014 (12) Mah. L. J. 683 that “the position of law that emerges from the above provision is that, an heir-ship certificate does not bestow the status of an heir up on a person, grant of such a certificate is only a formal

recognition of his existing status as an heir. An heir of executors or legal administrators, by his status, can assume management of the property of the deceased even without a formal recognition by the Court. A person may obtain heir-ship certificate in any of the three situations, (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 heir-ship 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 heir-ship 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 scope of such inquiry is limited to ascertain the claim of heir-ship of the applicants. The petitioner's claim and the impugned order are required to be appreciated against the above legal position.”

7] In light of ratio laid down in the aforesaid authorities of Hon'ble Bombay High Court, I proceed to appreciate the present application. It is seen from death certificate below **Exh.12** that deceased **Bhimabai Gajanan Kulmethe** died on **03/06/2024**. Applicants have already complied with Rule 2 of the Bombay Regulation VIII of 1827, by issuing public notice. In support of proof of proclamation, public notice publication of

“Lok Doot” dated 20/02/2026 newspaper is placed on record. It is prima-facie appeared from the documents i.e. verified death certificate, verified copies of Aadhar cards below **Exh.16 to 20**, applicants are only legal heirs of deceased. Even after issuance of proclamation, no objection appeared on record till today. On being satisfied with the documentary proof on record and considering relation of applicants with deceased, it is necessary to formally recognized them as legal heir of the deceased, hence I proceed to pass following order.

ORDER

- 1) Issue a certificate in the form of **Appendix B** of the **Bombay Regulation VIII of 1827**, formally declaring applicants no.1 to 5 as formally recognized heir of deceased **Bhimabai Gajanan Kulmethe** on payment of Court fees.
- 2) This certificate is not useful to transfer the any other movable & immovable property of the deceased.
- 3) It is needless to mention that this certificate does not establish the right of applicant in properties of the deceased by itself.

Date :15/04/2026

(A. B. Biradar)
2nd Jt. Civil Judge J.D.
Wani.

CERTIFICATE

I affirm that the contents of this PDF file Order are same, word to word, as per the original Order:

Name of the Stenographer	:	G.J.Bhadke
Name of Court	:	2 nd Jt.Civil Judge Junior Division, Wani.