

MHTH070043572024

**ORDER BELOW EXH.1****Denzyl D'Coutho & 1 V/s Nil**(Delivered on 16th day of July, 2026)

Applicant no.1 Denzyl Shinal D'Coutho and applicant no.2 Sheryl Shinal D'Coutho are seeking issuance of heirship certificate recognizing them to be legal heirs of deceased Mrs. Duefrine Shinal D'Coutho and Mr. Shinal D'Coutho, who died intestate on 25.01.2022 & 06.10.2006 respectively. Applicant no.1 is son and applicant no.2 is daughter of both deceased. The applicants are the only legal heirs of the deceased.

2] Citation notice at Exh.5 and Public notice published in daily newspapers "Jan Khulasa" dated 10.02.2025 are placed on record.

3] There is no objection from anyone in respect of the application of the applicants.

4] Following points arise for determination alongwith findings and reasons to follow :-

Sr.No.	Points	Findings
1.	Are applicants entitled to get heirship certificate ?	...Yes.
2.	What order ?	...Application is allowed.

REASONS**As to Point No. 1 :**

5] Heard learned counsel for the applicants. Perused record.

Applicants filed their claim affidavit on record reiterating the averments in the application.

6] Copy of death certificates of deceased Duefrine Shinal D'Coutho and Shinal D'Coutho are filed on record which show that they died on 25.01.2022 & 06.10.2006 respectively.

7] In the case of **Ganpati Vinayak Achwal V/s N.R. (2014 (5) Bom CR 743)**, it is observed by the Hon'ble High Court that *the legal heirship certificate is not for the management of the property but for formal recognition of status of a person.*

The object of regulation, its first recital and Rules 1 to 3 of its Chapter 1 reads as follows :-

"A regulation to provide for the formal recognition of heirs, executors and administrators and for the appointment of administrators and managers of the property by the courts....."

The court is not required to determine the title of the deceased or the persons claiming heirship certificate to any property. The court is only required to consider whether the persons claiming heirship certificate is the heir of the deceased.

8] Other documents i.e. Copy of agreement (2) and Adhar cards are filed on record. Applicants are the only legal representatives of the deceased. No one has objected to the claim of applicants. Hence, I have no hesitation to grant legal heirship certificate in favour of applicants. Therefore, I answer point No.1 in the affirmative.

As to Point No. 2 :

9] Considering all the documents placed on record and relying upon the claim affidavit of the applicant no.1, I am inclined to allow the

application. Therefore, in answer to point No.2, I pass the following order.

: O R D E R :

1. Application is allowed.
2. Issue heirship certificate in favour of Applicant no.1 Denzyl Shinal D'Coutho and applicant no.2 Sheryl Shinal D'Coutho recognizing them to be legal heirs of the deceased Mrs. Duefrine Shinal D'Coutho and Mr. Shinal D'Coutho.
3. The certificate does not create or transfer any right, interest or title to any property.
4. The certificate is only formal recognition of legal heir of deceased.

Date : 16.07.2026

(Smt. K.PR.S. Rathore)
I/c. Civil Judge Senior Division,
Kalyan.