

MHJG210014422022



**IN THE COURT OF JOINT CIVIL JUDGE JUNIOR DIVISION, YAWAL.**  
***(Presided over by Shri. Vinod S. Damare )***

**C.M.A. No. 136/2022**  
**CNR NO:MHJG-21-001442-2022**

**Exh. No.1**

- 1] Kamlakar Kadu Koli**  
Age: 40 ., Occu: Agri.,  
R/o: Dambhurni, Tq. Yawal  
Dist. Jalgaon.
  - 2] Latabai Bhaskar Sapkale**  
Age 49 Yrs., Occu: Housewife.,  
R/o: Mohadi, Tq. & Dist. Jalgaon.
  - 3] Nirmalabai Pandit Koli**  
Age: 48 ., Occu: Housewife.,  
R/o: Dagdi., Post. Sakli  
Tq. Yawal, Dist. Jalgaon.
  - 4] Surekha Yograj Sapkale**  
Age: 46 Yrs., Occu: housewife  
R/o: Fupni, Post. Amoda,  
Tq. Yawal, Dist. Jalgaon.
  - 5] Aruna Samadhan Koli**  
Age: 42 Yrs., Occu: housewife  
R/o: Pilode, Post. Sakli,  
Tq. Yawal, Dist. Jalgaon.
  - 6] Anita Mahendra Nannavare**  
Age 37 Yrs., Occu.- housewife  
R/o: Bhambhori Pra., Chandsar  
Tq. Dharangaon, Dist. Jalgaon.
- ... Applicants**

- **Versus** -

1] **NILL**

**... Non-Applicant.**

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Legal Heirs Certificate of Bombay Regulation Act, VIII, 1827

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Ld. Counsel Adv. Shri. P. S. Koli for the applicants.

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**ORDER**

( Passed on 11<sup>th</sup> January, 2023 )

Applicant has filed the present application under Bombay Regulation VIII, 1827 rule 1, 2 & 3 for grant of legal heirs certificate.

2. Brief facts of the applicants are as under:

Applicant no.1 is son & applicant no. 2 to 6 are daughters of deceased Kadu Chavdas Koli, who has died on 29.08.2021 at Dambhurni, Tq. Yawal, Dist-Jalgaon. The wife of deceased Kalabai Kadu Koli also died on dated 27/11/2009. They have permanent resident at Dambhurni.,Tq. Yawal, Dist-Jalgaon.

3. Thus, the applicants required the legal heirs certificate for Government and Semi-Government purpose. The applicants are Class-I legal heirs of deceased Kadu Chavdas Koli, therefore present application is filed.

4. After filing of application, public notice issued in daily newspaper "Lokshahi" on 11.11.2022 vide Exh. 20, calling objection before issuing the legal heir certificate. However, no objections raised by anybody.

5. Heard the Ld. Counsel for applicants Shri. P. S. Koli. On the basis of pleadings of the parties, following points arise for my determination and I have recorded my findings thereon with reasons given below.

| <b><u>POINTS</u></b>                                                                  | <b><u>FINDINGS</u></b>  |
|---------------------------------------------------------------------------------------|-------------------------|
| 1. Whether the applicants prove that, they are the legal heirs of Kadu Chavdas Koli,. | ... Affirmative.        |
| 2. Whether the applicants are entitled for legal heirs certificate ?                  | ... Affirmative.        |
| 3. What order ?                                                                       | ... As per final order. |

### **REASONS**

6. **AS TO POINT NO. 1 & 2 :**

In support of their case, applicant no.1 has examined himself on behalf of all applicants below Exh. 11. The applicant has filed following documents:

- a) Verified copy of death certificate of deceased Kadu Chavdas Koli & wife of deceased Kalabai Kadu Koli at Exh. 12 & 13 respectively.
- b) Verified copies of Aadhar Card of applicants at Exh.14 to 19 respectively.
- c) Copy of paper publication dtd. 11.11.2022 at Exh. 20.

7. As per the evidence on affidavit of applicant no.1, he deposed that, he has required the Legal Heirs certificate for Government and Semi-Government purpose. For support of

their contention applicants have examined one more witness applicant no. 3 namely Nirmalabai Pandit Koli at Exh.21, whose testimony is corroborated to the version of applicants. As per law, applicants are Class-I legal heirs of deceased Kadu Chavdas Koli, the above evidence are remained unchallenged.

8. Considering the above documentary as well as oral evidence and submissions of Ld. Counsel for the applicants, I am of the view that, the applicants have prima facie established that, they are the only legal heirs of deceased Kadu Chavdas Koli. Hence, they are entitled for legal heirs certificate. Therefore, point no. 1 and 2 are answered in affirmative.

9. **AS TO POINT NO. 3 :**

In view of point no. 1 and 2 as affirmative, applicants are entitled for Legal Heirs certificate. Hence, I proceed to pass following order.

**ORDER**

1. Application is hereby allowed.
2. Legal heir certificate be issued in the name of applicants being Class-I legal heirs of deceased **Kadu Chavdas Koli**, on payment of necessary court fees as per law.

Yawal,  
Dated: 11.01.2023

( V. S. Damare )  
Jt. Civil Judge (Jr.Dn.)  
**Yawal.**

CERTIFICATE

I affirm that the contents of this P.D.F. File of judgment/order are word to word as per original judgment/order.

Name of Stenographer : R.S. Badgujar.

Name of court: Jt. C.J.J.D. & J.M.F.C. Court, Yawal