

MHWS100015492022



ORDER BELOW EXH-1 IN C.M.A. No.160/2022

(Kailas Motiram Jadhav Vs. Nil)

(Date : 19th January 2023)

1. This is an application under clause 2 of the Bombay Regulation VIII of 1827 for issuance of heir-ship certificate.
2. Applicant is the son of deceased Sajabai Motiram Jadhav who died at village Vardari Bu., Tq. Malegaon Dist. Washim on 21.05.2020. Applicant is only surviving legal heirs of deceased Sajabai Motiram Jadhav. Applicant requires heir-ship certificate for the purpose of Education, Government official and other personal use. His father has been died. The death of his father has not been registered. Hence, this application.
3. In view of order passed below Exhibit-1, dated 15.10.2022, proclamation was published in daily newspaper namely "Punya-Nagari" dated 03.09.2022 and objections if any were called from public at large. But no one appeared in this proceeding and disputed the contentions of applicants. Proclamation is at Exhibit-09.
4. Perused the application, documents and evidence on record. Heard the learned counsel for applicants.
5. Applicants in support of their contentions, filed examination-in-chief in the form of evidence affidavit of applicant at Exhibit-10. There is nothing on record to disbelieve her testimony.
6. In addition to aforesaid oral evidence, applicants have filed copy original death certificate of deceased Sajabai Motiram Jadhav at Exh.11 and

verified copies of Aadhar Card of applicant at Exh.12. Applicant has filed evidence close Pursis (Exh.13). Perusal of aforesaid documents reveals that, the deceased Sajabai Motiram Jadhav died on 21.05.2020. Applicant is the son of deceased Sajabai Motiram Jadhav is his legal heirs. There is no reason to disbelieve the documents filed on record. Oral evidence of applicant is supported by documentary evidence.

7. Applicant is the son of deceased Sajabai Motiram Jadhav and he is legal heirs. Moreover, the heir-ship certificate is merely a formal recognition that the applicant is the legal heirs of deceased. Hence, this court is of the opinion to issue formal heir-ship certificate in the name of applicant. Accordingly, the following order :-

ORDER

1. Application is allowed.
2. Applicant is legal heirs of deceased Sajabai Motiram Jadhav. Issue formal heir-ship certificate in the prescribed form under the Bombay Regulation VIII of 1827 in favour of applicant after depositing requisite court fees.

Malegaon.

Date: 19.01.2023.

Jt.Civil Judge Junior Division
Malegaon.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order is same word to word, as per the original Order.

Name of the Stenographer : **Shri. Shivam B. Patange (L.G.)**

Court & Judge Name : P.U.Kulkarni,
Jt.C.J.J.D & J.M.F.C, Malegaon.

Date of Order : 19.01.2023

Order signed by the

Presiding Officer on : 19.01.2023

Order uploaded on : 19.01.2023