

MHNG020054862022



M.J.C. NO. 916/2022

**Bharat Keshav
Kasare + 1 -Vs- Nil**

**THE COURT OF JT.CIVIL JUDGE JUNIOR
DIVISION, NAGPUR, DISTRICT NAGPUR**

(Presided Over By S. P. Rachkar)

ORDER BELOW EXH - 01

(Passed on 7th day of October, 2023)

This application is under **The Bombay Regulations VIII of 1827**, for grant of heir-ship certificate in relation to deceased **Keshav Sakharam Kasare** who died on 10.01.2005 at Nagpur.

02] Applicants are desirous of having their rights formally recognized as legal heir of deceased **Keshav Sakharam Kasare**. Applicant no.1 is son and applicant no.2 is widow of deceased **Keshav**, and no any other legal heirs except the present applicants. Deceased **Keshav** was father and husband of applicants. The applicants required heirship certificate for formal declaration in regard to deceased **Keshav**. Therefore, cause of action arose to the applicant to file the present application. Hence, applicant prayed to allow the application.

03] Accordingly, this Court has issued official proclamation through citation notice and public notice in

daily newspaper “ **Lokshahi Varta**” dated 10.01.2023 at (Exh.12) circulated locally inviting all the person who disputes the rights of applicants to appear in this Court within one month from the date of proclamation and entire their objections. So also, notices of this application were pasted on the conspicuous portion of Tahsildar Office and Court. However, at the expiration of time mentioned in proclamation, nobody appeared to raise any objection.

04] Applicant no.1 has filed affidavit in lieu of examination-in-chief (Exh.8) as a proof of applicant's rights. Some documentary evidence is placed on record i.e. Verified copy of death certificate of deceased Keshav (Exh.9), verified copies of Aadhaar cards of applicants (Exh.10 & 11) and Proclamation published in Newspaper “**Lokshahi Varta**” dt. **10.01.2023** (Exh.12). Intimation of closure of evidence by applicants is given by filing pursis. Heard, the arguments advanced by learned advocate for applicants.

05] Considering the matters before this Court, following points arise for my determination. Decisions on them are recorded for reasons to follow;

Sr. No.	<u>Points For Determination</u>	<u>Decisions</u>
1]	Whether applicants are heirs of deceased Keshav Sakharam Kasare ?	... Yes.

- 2] Whether applicants are entitled to be declared as formally recognized heirs of deceased **Keshav Sakharam Kasare?** ... Yes.
- 3] What order? ... Application is allowed.

REASONS

As To Points No.01 to3

06] Witness examined has reiterated the contention in this application with precision in regard to name of deceased supra along with date of death, relationships of applicants with deceased supra. Applicants are the only heirs of deceased supra, property held by deceased supra for which applicants are desirous of seeking formal recognition of heirship. Even after issuance of proclamation and expiration of the time mentioned in it, nobody has appeared to raise objection. Therefore, contents in application and evidence of witness have gone unchallenged. Sufficient, cogent and reliable evidence is brought on record to prove that, applicants are the only heirs of deceased supra. There is absolutely no legal impediment in granting the CERTIFICATE OF HEIRSHIP. Therefore, I think it fit to grant certificate declaring applicants as formally recognized heir of deceased supra. Resultantly, I answer points No.01 & 02 in the affirmative and to answer point No.03 pass the following order:

O R D E R

- 1] Application is allowed.
- 2] It is declared that, applicants i.e.
(1)Shri Bharat S/o. Keshav Kasare,
(2)Smt. Pushpa Wd/o. Keshav Kasare are formally recognized heirs of deceased **Keshav Sakharam Kasare** for formal declaration in regard to deceased and which are mentioned in the application and affidavit.
- 3] Issue Certificate of Heir-ship in form **Appendix B** in the name of applicants on payment of requisite court fees.
- 4] Case and proceedings stands disposed of accordingly.

Nagpur,
Date:07/10/2023

(S. P. Rachkar)
Jt.Civil Judge Junior Division,
Nagpur, District Nagpur.

CERTIFICATE

I affirm that the contents of this P.D.F. file of Judgment are word to word, as per original judgment.

Name of Stenographer : R. W. Vindane,
to, Jt. C.J.J.D. Nagpur.

Endorsement

As per Circular No.37/Judl. Br./2018, District and Sessions Court, Nagpur, Dtd. 31 st July, 2018		
Case argued on	...	07.10.2023
Judgment/order dictated on	...	07.10.2023
Transcription ready on	...	07.10.2023
Judgment /order checked and signed on	...	07.10.2023