



IN THE COURT OF 4TH ADDITIONAL CIVIL JUDGE
AT: RAJKOT

CIVIL MISC. APPLICATION NO. 508/2026

EXH. NO. _____

APPLICANT:

HITESHBHAI SURESHBHAI JETHVA

AGE ABOUT ADULT, OCC.: BUSINESS

R/O. SHREE RAM NIVAS, BEHIND BOMBAY ARYAN
WORKS, KEVDAWADI-1, RAJKOT.

SUB. :- APPLICATION FOR HEIRSHIP
CERTIFICATE IN RESPECT OF IMMOVABLE
PROPERTY OF DECEASED LALITABEN
CHHAGANBHAI JETHVA.

B.T.GOHEL, LEARNED ADVOCATE FOR THE
APPLICANT.

-:: O R D E R ::-

[1] The brief facts of the application is that the deceased Lalitaben Chhaganbhai Jethva expired on 25/02/2025 at Rajkot and present applicant is heir of the said deceased. Deceased had passed away without making any will or testament in respect of her immovable property. Applicant has not filed any application before any other court for obtaining Heirship Certificate mentioned in Schedule attached with this application at Exh. 1. Hence, present applicant filed an application to issue Heirship Certificate under provisions of **The Bombay Regulation Act**, in the name of the applicant in respect of the immovable property of deceased as mentioned in Schedule attached with this application at Exh. 1 .

[2] Pursuant to present application, the public notice inviting objection to the grant of Heirship Certificate published in daily newspaper 'Aajkaal' dtd. 26/03/2026 and the copy of said newspaper is produced on record vide Exh. 13. In response to the publication of the said notice, no one has appeared to file any objection.

[3] The applicant has also produced the following documentary evidence in support of his application:

<u>Sr.No</u>	<u>Documents</u>	<u>Exh.</u>
1.	Death certificate of deceased	6

2.	Death certificate of heirs	7 & 8
3.	Heirship Certificate C.M.A. No. 71/2000	9
4.	Reg. Sale deed	10
5.	Property tax bill	11
6.	Property card	12
7.	Newspaper in which public notice is published	13
8.	Consent affidavit	14 to 18
9.	Pedigree of deceased	19
10.	Final affidavit	20
11.	Maximum purshish	21
12.	Closing purshish	22

[4] No one appeared to file any objection in response to the publication of notice in daily newspaper as discussed above. In the present case, the applicant has sought to obtain the Heirship Certificate of the immovable property of the deceased in view of the **Bombay Regulation VIII of 1827**, which provides for the heirship certificate to declare the property of the inheritor as the rightful heir of the deceased who died in intestacy.

[5] Pursuing the present application and affidavits and documents filed by the applicant, it appears that other heirs of deceased have given their consent for issuing Heirship Certificate in favour of the applicant. Therefore, taking into consideration, all above affidavits, and documents it is clear

that no objections or any dispute will be raised by any heirs when order is passed by this Court to issue heirship certificate to the applicant. Therefore in view of above discussion, there is no reason to disbelieve the version of the applicant. Thus, applicant is rightful to get heirship certificate in respect of immovable property of the said deceased.

Additionally, in view of the law laid down by Hon'ble Apex Court and Hon'ble High Court, present applicant is entitled to get heirship certificate of the said immovable property. Hence, taking into consideration all the facts and circumstances, this Court passed following order.

-: **ORDER** :-

[1] The present application is hereby granted.

[2] The value of the above property is considered maximum. Therefore, this certificate is accordingly issued on the court-fees stamps of Rs. 75,000/-, it being the maximum court-fees payable on the value of the above property as per **Bombay Regulation VIII of 1827** and the applicant is declared as legal heir with respect to property as per the schedule filed with this application of deceased **Lalitaben Chhaganbhai Jethva**.

[3] The current market value of the property subject to the application as stated in Section 29 of the Gujarat Court Fees

Act, 2004 order to pay the court fee as per Article 10 of the First Schedule on cost basis. Accordingly, the order for issue of heirship certificate is issued.

[4] The above order is given only in respect of the acknowledgment of heir and is not given to determine the right, title, interest or partion of any of the parties so that the above order will not be binding/affecting any proceedings for any existing law or for determination of right, title, interest or share.

**Pronounced and signed today on this 07th May,
2026 in the open Court.**

Place :- Rajkot

(B. P. THAKAR)

Date :- 07/05/2026

4th Additional Civil Judge,

Rajkot

UIC No. GJ01618