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Exh.	

**IN THE COURT OF ADDITIONAL SENIOR CIVIL
JUDGE, RAJKOT**

CIVIL MISC. APPLICATION No. 351 / 2025

APPLICANT :

Shri Bhavesh Ashokbhai Kotak,

Age : 52 years, Occu. : Business,

Residing at :

“Pramukh Palace”, Vishnuvihar Society Main Road,
Nr. RUDA-2, University Road, Rajkot.

-: SUBJECT :-

**Application to obtain Heirship Certificate in
respect of the immovable property of
deceased Jayshriben Ashokbhai Kotak**

APPEARANCE :-

Ld. Advocate Shri D. B. Bhojani for the applicant.

Additional Senior Civil Judge, Rajkot

:: BRIEF FACTS ::

- 1]** The present applicant Shri Bhavesh Ashokbhai Kotak has filed this application to obtain Heirship Certificate in respect of the immovable property left by deceased Jayshriben Ashokbhai Kotak as mentioned in Schedule-A at Mark-1/1. The applicant has stated that deceased Jayshriben Ashokbhai Kotak was his mother as per the Pedigree and expired on 16/02/2021 at Rajkot, Gujarat without conferring any Will or testament in respect of her immovable property and thereby, the applicant claims to be the heir of the said deceased. The applicant has produced death certificate of deceased at **Exh. 12**, wherein details relevant to the demise of the deceased are mentioned. Therefore, being a straight line legal heir as the applicant is a close relative of deceased as her son. Hence, the applicant has right to obtain the Heirship Certificate and therefore, prayed to obtain Heirship Certificate in respect of the immovable property left by deceased mentioned at Schedule-A vide Mark-1.
- 2]** The public notice inviting objection to the grant of Heirship Certificate published in daily newspaper "**Sanj Samachar**" dated **18/02/2025** and the copy of said newspaper is produced on record vide **Exh.6**. In response to the publication of the said notice, no one has appeared to file any objection.
- 3]** In support of this application, the applicant has filed his respective final affidavit vide **Exh. 10**, wherein

he has reiterated and supported the facts of the application and also deposed on oath the short facts narrated in this application. Mainly he has stated that deceased Jayshriben Ashokbhai Kotak was his mother as per the Pedigree and expired on 16/02/2021 at Rajkot, Gujarat and deceased had not conferred any Will or testament before or at the time of her death in respect of her immovable property, and the details of the said property are described in Schedule-A of Mark-1/1. The applicant has assured that there are no other relatives or legal heirs of the deceased except described at Exh.1. The applicant has produced requisite and necessary documents as evidence in support of this application. Also the applicant has not filed or applied any application in any Court or anywhere except current application such as Probate, Heirship Certificate or Succession Certificate. Furthermore, he has stated that after publication of notice in daily newspaper “**Sanj Samachar**” dated **18/02/2025**, no one has appeared to file any objection and therefore, he has prayed to issue Heirship Certificate in his favor in respect of the immovable property left by deceased.

- 4]** The applicant has filed list of documentary evidence as under :

Sr.No	Particulars	Exh.
1.	Death certificate of deceased Jayshriben Ashokbhai Kotak	12
2.	Death certificate of deceased Ashokbhai J. Kotak	13

3.	Copy of heirship certificate vide C.M.A. No. 268/2008	14
4.	Notarized copy of registered sale deed No. 7071/2005	15
5.	Property card	16
6.	Notarized copy of approved building plan	17
7.	Public notice	6
8.	Pedigree of deceased Jayshriben A. Kotak	7
9.	Consent affidavit of relative & other heir of the deceased	8
10.	Final affidavit of the applicant	10
11.	Closure pursis	18

- 5]** The other nearest relative and heir of deceased Jayshriben Ashokbhai Kotak has given her respective consent affidavit vide **Exh. 8**, wherein she has consented for issuing Heirship Certificate in favor of the present applicant.
- 6]** The applicant has stated to pay legal and maximum Court fees described at Mark-1, wherein he is ready and willing to pay legal and maximum Court fees. In view of the above, the applicant is liable to pay legal and maximum Court fees, so far valuation of the immovable property left by deceased is concerned.
- 7]** The applicant has filed a Closure purshish at **Exh.18** for completion of his evidence.
- 8]** Looking to the record of the case and the evidence produced by the applicant, the applicant has complied with requirements to grant Heirship Certificate in respect of the immovable property left by deceased Jayshriben Ashokbhai Kotak as mentioned in Schedule-A at Mark 1/1 and no one appeared to file any objection in response to the publication of notice in

daily newspaper as discussed above. The other nearest relative and heir of the deceased has also filed her affidavit and given consent in favor of the present applicant for the satisfaction of the learned court below for issuing Heirship Certificate so far immovable property left by deceased is concerned. Therefore, in view of the above discussion, there is no reason to disbelieve the version of the applicant and accordingly, the applicant's application requires to be allowed. Hence, in the interest of justice, following final order is passed.

:: O R D E R ::

- 1)** The applicant's application is hereby **allowed**.
- 2)** The Heirship Certificate be issued in name of the applicant **Shri Bhavesh Ashokbhai Kotak** in respect of the immovable residential property left by deceased Jayshriben Ashokbhai Kotak as mentioned in Schedule-A at Mark 1/1 on production of maximum Court Fees i.e Rs.75,000/- (Seventy Five Thousand Rupees) upon valuation of the immovable property.

**Pronounced and signed in the Open Court today
on 8th day of July - 2025.**

Sd/-

Date: 08/07/2025

(Parag Mahendrabhai Shah)

Place: Rajkot

Additional Senior Civil Judge

UIC No. GJ 00926

Additional Senior Civil Judge, Rajkot