



In The Court of 6th Additional Civil Judge,
Rajkot

CMA No:- 2473/2025
EX:-

As a legal heir of deceased Shantilal Premjibhai Pitroda

Applicant :-

Subhashbhai Shantilal Pitroda

Subject:- An application for obtaining heirship certificate in respect of immovable property of deceased.

Mr. R. T. Joshi, Learned Advocate for the applicant.

-// JUDGMENT //-

1. The applicant claims to be the heir of the deceased **Shantilal Premjibhai Pitroda** expired on **06/11/2020** at **Rajkot** without making any will or Testament in respect of his property. The applicant has prayed for Heirship Certificate with respect to

the immovable property of the said deceased as shown in the schedule produced with the application Exhibit 1/1. Further the applicant has produced a death certificate of the deceased vide Exhibit **09**.

2. The public notice inviting objections to the grant of this application was issued in the daily local newspaper copy of which is produced at Exhibit - **11** but no one turned up before the court to raise any kind of objection in this proceedings to the grant of this application.
3. The applicant has produced following documentary evidence in support of his application:-

Sr. No.	Particulars	Exh. No.
1.	Final Affidavit	5
2.	Affidavit of applicant regarding original documents and heirs	7
3.	Death Certificate of deceased	9
4.	Registered Conveyance Deed	10
5.	Newspaper in which public notice is issued	11
6.	Pedigree	12
7.	Valuation report	13
8.	Tax bill	14
9.	Consent Affidavit	15, 16
10.	Affidavit regarding pedigree	17

11.	ICICI Bank's copy of documents	18
12.	Letter showing Closure of housing loan of ICICI Bank	19
13.	Court fee pursish	20
14.	Closing Pursish	21
15.	Affidavit regarding original documents of property	22

4. It is pertinent to cite relevant provision of **Bombay Regulation VIII of 1827**, which is as under :-

Preamble :-

WHEREAS, at the same time that it is in general desirable that the heirs, executors or legal administrators of persons deceased should, unless their right is disputed, be allowed assume the management or sue for the recovery for property belonging to the estate, without the interference of Courts of Justice, it is yet in some cases necessary or convenient that such heirs, executors or administrators, in order to give confidence to persons in possession of, or indebted to, the estate to acknowledge and deal with them, should obtain a certificate of heirship, executorship, or administratorship, from the Zilla Court.

And whereas, whenever there is no person on the spot entitled or willing to take charge of the

property of a person deceased, or when the right of succession is disputed between two or more claimants, none of whom has taken possession or where the heirs are incompetent to the management of their affairs and have no near relations entitled and willing to take charge on their behalf, or where a person possessed of property dies intestate and without known heirs, it is essential that the Zilla Court should appoint an administrator for the management of the estate ; the following rules are therefore enacted.

3. If, at the expiration of the time mentioned in the proclamation, no sufficient objection has been made, the Court shall forthwith receive such proof as may be offered of the right of the person making the claim, and, if satisfied, shall grant a certificate in the form contained in Appendix B, declaring him the recognized heir, executor or administrator of the deceased.

7. First.—An heir, executor or administrator, holding the proper certificate, may do all acts and grant all deeds competent to a legal heir, executor or administrator, and may sue and obtain judgment in any Court in that capacity.

Second.—But, as the certificate confers no right to the property, but only indicates the person who, for the time being, is in the legal management thereof, the granting of such certificate shall not finally determine nor injure the rights of any person ; and the certificate shall be annulled by the Zilla Court, upon proof that another person has a preferable right.

Third.—An heir, executor or administrator, holding a certificate, shall be accountable for his acts done in that capacity to all persons having an interest in the property, in the same manner as if no certificate had been granted.

5. The applicant has filed closing pursish vide Exhibit **21**, stating that he does not want to give any further evidence. Applicant has filed his final affidavit at Exhibit **05**, where he has deposed on oath the fact narrated in the application and prayed to issue certificate in his favor. All the heirs of the deceased have filed their affidavits, Stating that they have no objection if a Heirship Certificate is granted in favor of the applicant. The applicant has filed a death certificate of the deceased by which it is clear that the deceased has died on **06/11/2020**. Further applicant has produced Pedigree of deceased from which it transpires that all the alive heirs

mentioned in the Pedigree have given consent to grant heirship certificate in the name of applicant. Further, the applicant has stated that there are no other living heir of the deceased except mentioned in the application and he is willing to pay necessary Court fees.

6. In view of the above, the applicant has complied with all the requirements to grant a heirship certificate for the property of the deceased as mentioned in the schedule attached with application at Mark 1/1. Hence, the following final order is passed.

-// ORDER \\\-

1. This application is hereby allowed.
2. Heirship certificate in respect of Immovable property of deceased, as described in the schedule produced with this application at Mark 1/1 is issued in the name of applicant on production of necessary court fees stamp on the valuation of property.
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 partition 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.

**Signed and pronounced in the open
court on 07th May, 2026, Rajkot.**

Date:- 07/05/2026

Place:- Rajkot

(L. I. Bhati)

6th Additional Civil Judge, Rajkot

GJ01656