

MHTH280030262025



Civil M.A./2100/2025
Mrs Aisha Tabrez Mujawar
Maiden name Ankita Kirit Gandhi
Vs.
Mrs Nikita Kirit Gandhi
ORDER BELOW EXH.NO.1

The present application is moved by applicant for issuance of heirship certificate in her name in respect of the property left by Late Smt. Poonam Kirit Gandhi (hereinafter referred as “the deceased no.1”), who died intestate on 18/06/2017 at Borivali (W), Greater Mumbai and Late Shri. Kirit Anantrai Gandhi (hereinafter referred as “the deceased no.2”), who died intestate on 12/11/2024 at CBD Belapur, Navi Mumbai. Late Smt. Champaben Anantrai Gandhi, the mother of deceased no.2, had died on 07/11/2008 at Borivali (W), Mumbai. Vide Exh.8/3 applicant filed copy of the list of death entry of mother of deceased no.2 obtained from the official website of the Municipal Corporation of Greater Mumbai bearing Registration No. 0741167493.

2] It is submitted by applicant that, she and opponent are the daughters of deceased. The applicant and opponent are the only surviving legal heirs of the deceased. The deceased left following immovable property :

SCHEDULED “A”

A residential flat being at Shivkalash CHS, Flat No. 304, 3 rd floor, Plot No. 62, carpet area adm 520 sq.ft. and net built up area 624 Sq. Ft. situated at Sector 50(E), Seawoods, Nerul (W), Navi Mumbai, Taluka & District – Thane, Maharashtra – 400706.

The above said property is situated within the jurisdiction of this court.

3] Despite publication of citation and public notice, no one came forward to object this application.

4] It is admitted position that, despite of such proclamation, none raised objection. The applicant filed her claim affidavit at Exh.07 whereas opponent filed her no objection affidavit at Exh.09. The applicant filed documents with List Exh.08 i.e. verified copy of death certificate of deceased no.1, verified copy of death certificate of deceased no.2, verified copy of registered Conveyance Deed dated 17/04/2007, verified copy of Share Certificate dated 28/09/2014 and Memorandum of Transfer, the public notice published in daily newspaper "Jan Khulasa" dt. 19/01/2026, original copy of Tax Receipt, original copy of Electricity Bill, verified copy of Ration Card, verified copy of Aadhar Card & PAN Card of the applicant, verified copy of Aadhar Card & PAN Card of the opponent, verified copy of Passport of the applicant, xerox copy of Gazette Notification, recording the change of name from Ankita Kirit Gandhi to Mrs. Aisha Tabrez Mujawar, verified copy of Aadhar Card of deceased no.1 and verified copy of Passport of deceased no.2. The evidence close pursis is filed at Exh.10.

5] On perusal of said documents, it transpires that applicant and opponent are the only legal heirs of the deceased and the opponent has given her no objection to issue heirship certificate in favour of applicant. The verified copies of property document shows that, property is in the joint name of deceased nos. 1 & 2. There is no Will in respect of said property. Hence, in the interest of justice, I proceed to pass the following order:-

ORDER

1. The application is allowed and applicant is formally recognized as one of the legal heirs of deceased.
2. Issue heirship certificate in the name of applicant for legal management of property of the deceased no.1 Smt. Poonam Kirit Gandhi and deceased no.2 Shri. Kirit Anantraai Gandhi, as mentioned in the application.
3. The applicant shall pay court fees as per Article-12 of the Maharashtra Courts Fees Act, 1959 on market value of property and applicant is entitled for exemption from paying court fee, if any, as per the law.
4. Application is accordingly disposed of.

Belapur
Date : 06/03/2026

(C. N. Ondare)
2nd Jt. Civil Judge, S.D., Belapur