

R.M.J.C. No.01/2018

Madhukar+1 vs. Nil.

ORDER BELOW EXH. 1

(Passed on 1st Day of March,2018)

1. This is an application filed under section 2 of the Bombay Regulation VIII 1827 for grant of certificate of heir ship.

2. It is the contention of the applicants that, the applicant no. 1 is the brother and applicant no.2 is the daughter of deceased Kusumabai Shriram Vaidya, who died on 19/11/2014, at the house of applicant no.2, at mouja Pathrot, Tq. Achalpur, Distt. Amraati. There are no other heirs of late Kusumabai Shriram Vaidya, except these applicants. It is further contention of the applicants that there is an agricultural field in the name of deceased bearing field Gat No.215, admeasuring 7R, at Mouja Thilori, Tq. Daryapur, Distt. amravati. The market value of the said field is at Rs.20,000/-. The applicants want to record their names in the record of right of the said property. Therefore, applicants prayed for grant of certificate of heir ship in their favor.

3. On receipt of the application, paper publication and citation notice was issued vide Exh.18 & 08, respectively. The applicants produced death certificate of late Kusumabai Shriram Vaidya, at Exh.14, Copy of gaon namuna 7 of field Gat No.215 at Exh.15 and verified copies of Adhar Cards of applicants at Exh.16 to 17, respectively.

4. During the period mentioned in the paper publication and citation notice, no objection is raised by anybody.

5. By way of affidavit, the applicant No.02 Sau.Kokila Nimkale, at Exh. 11, reiterated the contention made in the application at Exh.1, which remains unchallenged.

6. From the evidence of the applicant No.2 and the documents produced on the record, it appears that the applicants are the only heirs of late Kusumabai Shriram Vaidya. There is nothing on record to decline to grant the present application. Therefore, I am of the opinion that it will be proper to issue certificate of heir ship in favour of applicants only in respect of agricultural field Gat No.215. Hence, the following order.

ORDER

1. Application is partly allowed.
2. The applicants are recognized as Legal Heirs of late Kusumabai Shriram Vaidya, in respect of the agricultural field Gat No.215, admeasuring 7R, at Mouja Thilori, Tq. Daryapur, Distt. Amravatri.
3. Issue heir ship certificate on payment of requisite Court Fee Stamps.

Date : 01/03/2018.

(A.T.Bansod)

2nd Jt. Civil Judge (Jr.Dn.),Daryapur.