

Received On : 08/01/2018
Registered On : 08/01/2018
Decided On : 29/03/2018
Duration : 00Y 02M 21D

IN THE COURT OF CIVIL JUDGE JUNIOR DIVISION BALLARPUR.

(Presided over by : S. G. Gore)

M. J. C. No. : 1/2018

Exhibit No.: 19

Chandrayya Permayya Kalpelli,
aged 47 Yrs., Occ.- Business,
R/o. Tilak Ward, Before Kata Gate,
Ballarpur, Tq. Ballarpur, District – Chandrapur. **Applicant.**

-VS-

Nil Non-applicant

**Application for Legal Heir Certificate under Section 02 of Bombay
Regulation VIII of 1827.**

Appearance: Adv. Sneha V. Khadke, for applicant

J U D G M E N T

(Delivered on this 29th March, 2018)

Applicants has filed this application for grant of Legal Heir Certificate to be formally recognized him as heirs of deceased father Permayya Kalpelli and mother Rajubai Permayya Kalpelli.

2. It is the case of the applicant that, deceased Permayya Kalpelli and mother Rajubai Permayya Kalpelli died on 09/04/2015 and 10/02/2016 respectively at Ballarpur. It is the contention of the applicant that deceased Permayya Kalpelli was father and Rajubai Permayya Kalpelli was mother of him. After death of them applicant is only their heir. It is also contended that deceased Rajubai Permayya Kalpelli was serving in Nagar Palika Ballarpur, as Kuli. The applicant is only legal heirs of deceased Permayya Kalpelli and

Rajubai Permayya Kalpelli. It is further submitted by the applicant that he required legal heir-ship certificate for getting gratuity of deceased Rajubai Permayya Kalpelli. Hence, the applicant have accordingly filed this application for heir ship certificate.

3. The public notice was issued and circulated in daily “Sannata” newspaper dated 19/01/2018, calling upon the objections from anybody who is disinterested to grant of heirship certificate in the name of applicant. Nobody appeared and objected the claim of the applicant.

4. Following points arise for my determination and I have recorded my findings against them for the reasons to follow are as under :-

<u>Points</u>	<u>Findings</u>
1 Whether the applicant is entitled to get heir-ship certificate as prayed for ?	Yes
2 What Order?	As per final order

REASONS

As to Point Nos. 01 & 02:-

5. The deceased Permayya Kalpelli was father and Rajubai Permayya Kalpelli was mother of the applicant. He is sole heir of both deceased. From the date of publication in the newspaper nobody came within one month and objected the claim of the applicant for the grant of heir-ship certificate. The applicant filed his affidavit at Exh.09. He proved death certificate of his father and mother filed at Exh. 11 and 12 respectively. He also filed and proved his Aadhar card and Election identity card of his mother Vide Exh. 13 and 14. He also filed copy of letter issued by Nagar Parishad Ballapur, Exh. 15, issued in respect of gratuity amount of his mother. He also filed copy of the paper publication dt. 19.01.2018 Vide Exh. 16 and receipt of paper publication vide Exh. 17. The applicant filed pursis at Vide Exh.18 and closed his evidence. It

appears that, the applicant being the son of Permayya Kalpelli and Rajubai Permayya Kalpelli is entitled to get the heir-ship certificate. The claim of the applicant for grant of heirship certificate has remained unchallenged. I do not find any impediment in granting heir ship certificate in the name of the applicant for formally recognizing him as heirs of deceased Permayya Kalpelli and Rajubai Permayya Kalpelli . Thus, the applicant is entitled to get the heir-ship certificate. I therefore, answer point No.01 in the affirmative and in the result, in answer to point No.02, I pass the following order :-

ORDER

1. Application is allowed.
2. Issue heir-ship certificate in the name of the applicant Shri Chandrayya Permayya Kalpelli, aged 47 Yrs., Occ.- Business,R/o Tilak Ward, Ballarpur, Tq. Ballarpur, District – Chandrapur for formally recognized him as heir of deceased Permayya Kalpelli and Rajubai Permayya Kalpelli on payment of required Court fees.

Date: 29 /03/2018
Place : Ballarpur

(S. G. Gore)
Jt. Civil Judge(Jr. Dn.),
Ballarpur

