

Order Below Exh. 1

1) This is an application for the grant of Heirship Certificate u/s. VIII of Bombay Regulation Act,1827.

2) In brief the facts of application are as under :-

The applicant nos.1 and 2 are sons, applicant no.3 is widow and applicant no.4 and 5 are the daughters of deceased Bhimandas Anshimal Dengani. Deceased Bhimandas Anshimal Dengani was permanent resident at Sindewahi, Tah.Sindewahi, District-Chandrapur. He was owned and possessed house property in the market area at Sindewahi. Deceased Bhimandas was also running business of wholesale Grocery Merchant and agency of supply of different Grocery products. Deceased Bhimandas Anshimal Dengani died on 28/05/2017 leaving behind the applicants. It is alleged that after the death of Bhimandas Anshimal Dengani, applicants are his legal heirs. Hence, applicants have filed this application and prayed for issuance of heirship certificate in their names for mutation of above mentioned property in the office record of Nagar Panchayat Sindewahi.

3) After filing of an application, general citation as well as paper publication was issued. The applicants have complied the same. None have objected for the same, after

publication of notice in the daily news paper Punya Nagari, dated 19/01/2018 vide Exh.No.13. Hence, on perusal of pleadings and documents on record following points arise for my consideration. I have recorded my findings thereon with reasons to follow :-

<u>Points</u>	<u>Findings</u>
1) Whether the applicants are entitled for heriship certificate u/s. VIII of Bombay Regulation Act,1827 ?	<u>In affirmative</u>
2) What order and relief ?	<u>As per final order</u>

Reasons

4) In order to prove the claim, the applicants have filed the affidavit of evidence of applicant no.1 Mahesh Dengani as AW-1 below Exh.11. They relied upon various documents. The documents are considered in the discussion of evidence. Applicants have closed their evidence vide pursis Exh.14.

As to point no. 1 : -

5) The evidence of AW-1 Mahesh is the replica of the application. The death certificate at Exh.12 shows that, the deceased Bhimandas Anshimal Dengani died on 28/05/2017. Despite of opportunity, none of the objector was present to cross examine A.W.1. Mahesh. Hence, the evidence of

A.W-1 Mahesh remained intact.

6) The documentary and oral evidence on record shows that the deceased Bhimandas Anshimal Dengani was died on 28/05/2017 and he has no legal heir except the applicants. So, to my view, this is a fit case to issue heirship certificate in favour of the applicants. Hence, I proceed to pass the following order.

ORDER

Issue Heirship certificate in the name of the applicants i.e. applicant no.1 Mahesh s/o Bhimandas Dengani, applicant no.2 Bhagwandas s/o Bhimandas Dengani, applicant no.3 Smt.Vidya wd/o Bhimandas Dengani, applicant no.4 Smt.Babita w/o shankarlal Kungani and applicant no.5 Smt.Sangita w/o Anand Chimnani according to the provisions of Bombay Regulation Act, 1827 after payment of court fee as per provisions of the Bombay Court Fee Act, 1959.

Sindewahi
Dt.12/03/2018

(A.G.Sable)
Civil Judge Jr.Dn,
Sindewahi.