

Civil M.A. No. 01/2018

:ORDER BELOW EXH. 1:

This is an application for grant of Heirship Certificate under section 2 of the Bombay Regulation Act.

2. I have read the application, affidavit of the applicant Vinod and the documents produced to support the application i.e. copy of death certificates of the deceased and Identification Cards of the applicants.

3. It is shown that **Zulal Yesu Bhil** is dead and he has 3 issues namely Smt. Shantabai Zulal Bhil (wife), Motiram Zulal Bhil and Manga Zulal Bhil (sons). Out of which Motiram Zulal Bhil is also shown to be dead. L. Rs. Motiram Zulal Bhil are also shown in the proceeding. The applicants wants that L. Rs. of Motiram Zulal Bhil are also the L. Rs. of deceased **Zulal Yesu Bhil**. However, complications will take place in the application if the application is allowed as it is. In this application applicant Nos. 2-A to 2-C are the L. Rs. of deceased Motiram Zulal Bhil and not the L. Rs. of Zulal Yesu Bhil. Therefore, it is just and proper to issue heirship certificate of deceased **Zulal Yesu Bhil** only.

4. Public notice in that respect has been given in daily newspaper "**Apala Maharashtra**" dated 12-01-2018. No one appeared and contested this application. Therefore, considering the publication (Exh. 09) as well as affidavit of the applicant Vinod (Exh.10) and the copy of death certificate of deceased **Zulal Yesu Bhil** it becomes clear that following persons are legal heirs of the deceased **Zulal Yesu Bhil**.

5. The heirship certificate confers no right to the property. It

only indicates the person who is in the legal management of the property of the deceased. Grant of the certificate does not finally determine nor injure rights of any person and it may be annulled by the Hon'ble District Court upon proof that another person has preferable right. It is nothing but declaration of legal status of deceased and his legal representatives.

6. Considering above discussion, I pass following order.

: O R D E R :

I) Application is partly allowed

II) Heirship certificate under section 2 of the Bombay Regulation Act be issued stating that the applicant No. (1) Smt. Shantabai Zulal Bhil, (2) Motiram Zulal Bhil (deceased) and (3) Manga Zulal Bhil are the L. Rs. of deceased **Zulal Yesu Bhil** on paying requisite Court fee stamps.

III) The L. Rs. of deceased Motiram Zulal Bhil are at liberty to file separate application for getting their heirship certificate.

ii) The application stands disposed of.

Declared in the court.

Date : 23-02-2018.

Sd/- xxx
(B. C. More)
Civil Judge, J.D., Shirpur.

CERTIFICATE

I certify that the contents of this PDF File are word to word as per Original Judgment.

Name of the Steno : R. V. Patil,
Name of the Court : Court of Civil Judge, J.D.& JMFC, Shirpur.
PDF Uploading Date : 26-02-2018

Sd/ xxx
Stenographer.