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Decided on : 26.03.2018
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Exhibit No. 27

IN THE COURT OF CIVIL JUDGE (JR.DN.), ARMORI

(Presided over by Sanjay H. Atakare)

Misc. Judl. Case No. 01/2018
CNR No. MHGA04-000043-2018

1] Sandip Janardhan Navghare

Aged 30 yrs., Occ.: Labour,
R/o. Ganeshpur, Tah. Armori,
District Gadchiroli,

2] Sau. Varsha Umakant Thakre

Aged 34 yrs., Occ.: Household,
R/o. Moushikhamb, Tah. Armori,
District Gadchiroli,

3] Sau. Darshana Amrut Narule

Aged 25 yrs., Occ.: Household,
R/o. Kudesaoili, Tah. Armori,
District Gadchiroli.

... **Petitioners**

- V e r s u s -

- N I L -

... **Respondent**

Petition U/Clause 3 of Bombay Regulation-VIII of 1827

.....
Shri A.M. Kankate, the learned Counsel for Petitioners
.....

J U D G M E N T

(Delivered on this 26th day of March 2018)

..2..

1] This is a petition for grant of heirship certificate under Clause 3 of Bombay Regulation VIII of 1827 in form prescribed in Appendix 'B' thereto.

2] Facts of petition summaries - the petitioners are legal heir of deceased Janardhan Yeshwant Navghare (here-in-after referred to as "the deceased"). The deceased died on 19.11.2017 at Ganeshpur, Tahsil Armori, District – Gadchiroli. Petitioner no.1 is the son and petitioner no. 2 and 3 are the daughters of the deceased. Mother of petitioners i.e. Tarabai Janardhan Navghare also died on 20.08.2006, mother and father of deceased also died and petitioners are the only legal heirs of the deceased Janardhan Navghare. Therefore, being the son and daughters of the deceased, the petitioners are the only legal heirs of the deceased. Thus, the petitioner is seeking heirship certificate.

3] The petitioner need legal heir certificate for death benefits, for taken the mutation over the property of the deceased and hence, he has approached this Court with the present petition.

4] By an order dated 17.01.2018, directed to issue the proclamation under clause 2 of Bombay Regulation VIII of 1827 in the form prescribed in Appendix "A" to the said regulation, inviting objections from person concerned, within one month from the date of the said proclamation. The proclamation was duly published in daily newspaper "Punya Nagri" on 01.02..2018. But, till date, no one came forward to raise any objections or to show any interest in the grant of legal heir certificate by this Court.

5] Heard the learned counsel for the petitioner. Perused documents on record.

6] The following points arise for determination, I have recorded my findings with reason thereto.

	<u>POINTS</u>	<u>FINDINGS</u>
1)	Whether the petitioner are entitled to grant of heirship certificate as prayed ?	<u>Yes</u>
2)	What order ?	<u>As per final order</u>

REASONS

As to Point No.1

7] Petitioner no.1 examined himself at Exhibit No.15. He deposed that he is the son and petitioner nos. 2 and 3 are the daughters of the deceased. Deceased as well as his wife and mother of deceased died. For getting death benefits and for taken the mutation over the property of the deceased he filed this application.

8] After perusal of documents at Exhibit Nos.16 to 25 and deposition Exhibit No.15, it reveals that the petitioners are the children of deceased and therefore they are the class-II heir of the deceased as per Hindu Succession Act, 1956. On the oral, as well as the documentary evidence and in view of no objection was received, I have no hesitation to come to the conclusion that the petitioner are the heir of the deceased. Thus, I record my findings to Point No.1 in the affirmative.

As to Point No.2

9] In view of above discussion, the petitioner are entitled to heirship certificate under Bombay Regulation VIII of 1827, thus, the following order.

ORDER

- 1] The Petition is hereby allowed.
- 2] Issue heirship certificate to petitioners under clause 3 of Bombay Regulation Act VIII of 1827 in form prescribed in Appendix 'B' on payment of required court fees.
- 3] The note should be appended to certificate that petitioner is required, within six months from the date of this certificate, or within such further time as the court may from time to time grant, to exhibit in the Court a full and true inventory of all the property and credits in their possession under this certificate, and also within one year from the same date or within such further time as the Court may from time to time grant, to tender to the court a true account of the said property and credits, showing the assets which have come to their hands and the manner in which they have been applied or disposed of.
- 4] Petitioners shall not entitled to withdraw monitory claim if any on the basis of this certificate.
- 5] Order dictated and pronounced in open Court.

Place : Armori,
Dated: 26.03.2018

Sd/-
(Sanjay H. Atakare)
Civil Judge (Jr.Dn.),
Armori
MAHGAD-04-2567