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Exh. 20

IN THE COURT OF CIVIL JUDGE (JUNIOR DIVISION), DHANORA
(Presided Over by Nilesh Prabhakar Wasade)
(C.N.R. No. MHGA-06-000011-2018)

M.J.C. No. 1/2018

1. Smt. Shaila Gajanan Gedam,
Age 36 years, Occ. Gruhini,
2. Riya Gajanan Gedam,
Age 12 years, Occ. Education,
3. Krish Gajanan Gedam,
Age 9 years, Occ. Education,
4. Smt. Ratnabai Rawji Gedam,
Age 60 years, Occ. Gruhini,
All R/o. Bhimpur, Post Gatta,
Th. Dhanora, Dist. Gadchiroli.

----- **Applicants**

-Versus-

Nil

----- **Non-applicant**

Appearance:-

Advocate for Applicants :- Shri. P. M. Dhait,
Advocate for Non-applicant :- Nil

J U D G M E N T

(Delivered on : 20th April 2018)

This is an application for grant of Legal Heirs Certificate under Section VIII of the Bombay Regulation Act, 1827 (hereinafter referred to as the “Act”).

2] Read application. It is supported by affidavit. I have carefully gone through the record and proceeding of the case. Heard, Adv. Shri. P. M. Dhait for applicants.

3] According to applicants, they are Class I heirs being applicants No.1 is the wife, applicant Nos. 2 and 3 are children and applicant No. 4 is mother of deceased Gajanan Rawji Gedam (hereinafter referred to as the “deceased”). The deceased died on 19.4.2017 due to accident. Therefore, applicants are only Legal Heirs left after the death of deceased.

4] Applicants submitted that after the death of deceased they need said certificate for mutation in Ration Card shop. Therefore, prayed for grant for Legal Heirs Certificate.

5] The notice of claims of applicants is duly published in daily newspaper 'Yuvarashtra' on 4.3.2018 *vide* Exh. 18. So also, citation notice is issued by the court and it is duly published *vide* Exhs. 7 to 10 but no one turned towards the court to raise any objection.

6] Following are the points arise for my determination and finding have recorded against them for the reason mentioned herein below.

Sr.	Points	Findings
1	Whether applicants proves that they are legal heirs of deceased Gajanan Rawji Gedam ?	Yes
2	Is the applicants entitled for Legal Heirs Certificate as prayed ?	Yes
3	What order ?	Application is allowed

REASONS**Point Nos. 1 to 3 :-**

7] Applicant No. 1 filed affidavit in lieu of examination-in-chief vide Exh. 13, copy of Death Certificate of deceased Gajanan Rawji Gedam (Exh.14), copy of Aadhar Cards of applicants (Exhs. 15 to 17), Copy of Paper publication (Exh. 18).

8] Applicant No.1 adduced her oral evidence. Till today nobody came forward to challenge the oral and documentary evidence on record. Having regard to the oral evidence and the documents on record, it shows that applicants are being the wife, children and mother of deceased and they are the Class I legal heirs of deceased. Therefore, they are entitled to issue Legal Heirs Certificate for mutation purpose. As such, the application is deserves to be allowed. Hence, points Nos. 1 to 2 are answered in the affirmative. Accordingly, I proceed to pass the following order.

ORDER

1] The application is allowed.

2] On payment of required court fees stamp as per the rules, Legal Heirs Certificate be issued in the name of applicants in appendix B of the Section VIII of the Bombay Regulation Act, 1827, recognizing them as the legal heir of deceased Gajanan Rawji Gedam who died on 19.4.2017.

(Judgment dictated and pronounced in open Court)

Date: 20.4.2018

Sd/-
(Nilesh Prabhakar Wasade)
Civil Judge (Jr.Dn,) Dhanora.
(MHGA 06-2899)