

M.J.C. No. 01/2018
Prabha + 4 Vs Nil**ORDER BELOW EXH. 1**(Passed on 26th April, 2018)

The present application is filed by the applicants for issuance of legal heirship certificate under Rule 2 of the Bombay Regulations Act, 1827.

2. The applicants contended that, Manohar Krushnaraj Marathe was resident of Mouza – Sukadi and he died on 02/04/1994 at Sukadi (Dak.). The applicant No. 1 is widow of said Manohar and the applicants Nos. 2 to 5 are his daughters. Further, they contended that, Gulabdada @ Gulabrao Dattaraj Marathe was brother of deceased Manohar. Said Gulabdada died on 06/03/1998 at Mouza – Sukadi. The applicants are the only legal heirs of the deceased Manohar and Gulabdada.

3. The applicants further contended that, they need this legal heirship certificate for mutating their names in the Revenue Record. The applicants are the only legal heirs of the deceased and hence the present application.

4. After filing the application, public notice through paper publication was issued by order below Exh. 1 dated 30/01/2018 for calling the objection, if any. Accordingly, paper publication was issued by the applicants on 18/02/2018 *vide* Exh. 9 in Marathi daily local news paper “*Lokjan*”. However, in the given time, none appeared or took objections against the same.

5. Perused the application, evidence tendered on affidavit and the documents on record. Heard the learned advocate for the applicants. Following points arise for my determination; my findings thereto with reasons thereon are as follows :

Sr. No.	POINTS FOR DETERMINATION	FINDINGS
1.	Whether the applicants prove that, they are legal heirs of deceased Manohar and Gulabdada @ Gulabrao ?	... Yes.
2.	Whether the applicants are entitled to get the legal heirship Certificate ?	... Yes.
3.	What order ?	... As per final order, application is allowed.

REASONS FOR THE FINDINGS

As to Point Nos. 1 to 3 :

6. Perusal of record shows that the applicant No. 2 i.e. Kirti (AW1) tendered her evidence affidavit at Exh. 8 and deposed that, her father Manohar died on 02/04/1994 and her uncle Gulabdada @ Gulabrao died on 03/06/1998. Further, she deposed that, the applicants are the only legal heirs of deceased Manohar and Gulabdada. Her testimony as to death of Manohar and Gulabdada is supported by copy of death certificate issued by Registrar, Death and Birth Registration Office, Grampanchayat Sukadi and Health Department, Grampanchayat Sukadi respectively.

7. The testimony of AW1 Kirti in regard to the relationship of applicants with deceased Manohar and Gulabdada remained unchallenged. The applicants have also filed Family Particulars issued by Sarpanch and Police Patil and Talathi of village Sukdi Dak., on record, to support the averments that they are the only legal heirs of deceased Manohar Marathe. AW1 Kirti has also filed an additional affidavit on record to show that her name is mentioned as Manisha Sohan Dhurve in the said family particulars and she is the same person.

8. It is pertinent to note here that, in the present case, public notice was issued *vide* Exh. 8 in daily local newspaper “*Lokjan*”, but no objections were received against the same till date. The evidence tendered by AW1 Kirti remained unshaken and unchallenged. Thus, looking to the facts and circumstances, it appears that, the application for issuance of heirship certificate remained uncontested. The documents on record sufficiently prove the death of Manohar & Gulabdada and applicants being their only legal heirs.

9. Thus, in my view, there is no impediment in accepting the contentions of the applicants that they are the only legal heirs of late Manohar Krushnaraj Marathe & Gulabdada @ Gulabrao Dattaraj Marathe and that they are entitled for issuance of legal heirship Certificate. Therefore, as the application remains uncontested, the contentions of the applicants are proved. Therefore, the present application is liable to be allowed. Hence, I

answer the points Nos.1 & 2 in the affirmative and to answer point No. 3, I proceed to pass the following order :

ORDER

1. The application is allowed.
2. Issue Legal Heirship Certificate in favour of the Applicant No. 1 Prabha Manohar Marathe, Applicant No. 2 Kirti Sohan Dhurve, Applicant No. 3 Sushma Rajesh Uikey, Applicant No. 4 Archana Prashant Shewalekar and Applicant No. 5 Rani Vijay Bendale as Legal Heirs of deceased Manohar Krushnarao Marathe & Gulabdada @ Gulabrao Dattaraj Marathe under Rule 2 of the Bombay Regulations Act, 1827, subject to compliance of Chapter 14 of the Civil manual by the applicant.

Place : Tirora.

Date : 26/04/2018

(Vickrant P. Khandare)

Civil Judge (Junior Division), Tirora.