

MHKO150000052018



Received on : 06/01/2018

Registered on : 06/01/2018

Decided on : 27/09/2019

Duration : Yr Ms Ds.

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**IN THE COURT OF CIVIL JUDGE JUNIOR DIVISION, AJARA,
TALUKA AJARA, DISTRICT KOLHAPUR.**

(Presided over by Shri. D. T. Patil)

Civil Misc. Application No.1/2018.**Exh. /B**

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|----|----------------------------------|---|-------------|
| 1. | Shrinivas Gajanan Apsangi, | } | |
| | Age: 33 years, Occ. Agriculture, | } | |
| 2. | Gajanan Bhimrao Apsangi, | } | |
| | Age: 58 years, Occ. Agriculture, | } | |
| 3. | Ms. Shweta Gajanan Apsangi, | } | |
| | Age: 26 years, Occ. Advocate, | } | |
| | All Resident of Chafawade, | } | |
| | Taluka Ajara, District Kolhapur. | } | Applicants. |

VERSUS

NIL	}	Non-Applicant.
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Appearance:-

Learned Advocate Mr. S. M. Deshpande for the applicants.

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J U D G M E N T

(Delivered on 27/09/2019)

1. This is an application under section 2 of Bombay Regulation Act VIII, 1827, for grant of legal Heirship certificate.

2. **Brief facts of the application are as under :-**

Deceased Sae Gajanan Apsangi died on 30/09/2017 at Sangli who was wife of applicant No.2 and the mother of applicants

No.1 and 3. At the time of her death, deceased was in service as a permanent employee in Education Department of Zilla Parishad, Kolhapur. Now, applicant No.1 wants to apply for an employment on compassionate ground with the Zilla Parishad, Kolhapur. When he filed an application with the respective office, he was directed to bring the legal heirship certificate from the competent Court for further compliance. Now the applicants want to register themselves as legal heirs of deceased Sae Gajanan Apsangi. Hence, they have filed this application.

3. Heard learned Advocate Mr. S. M. Deshpande for the applicants.

4. Following points arise for determination and findings are recorded against each of them for the reasons mentioned hereinafter.

No.	Points	Findings
1.	Do applicants prove that they are entitled for legal heir certificate ?	Yes.
2.	What order ?	As per final order

REASONS

5. **As to Point No.1 and 2 :-**

In support of the application, applicant No.1 examined himself by filing his affidavit (Exhibit 10), reiterating the contents of application which requires no further repetition.

6. To support their contentions, the applicants have filed documentary evidence on record i.e. death certificate of their mother (Exhibit 6) and a letter issued by Zilla Parishad, Kolhapur. A public notice (Exhibit 8) was also issued in daily news paper

'Sakal' on 10/01/2018 to call any objection from public at large. But nobody appeared and objected the claim of applicants. Hence, the evidence of applicant went unchallenged. On its perusal, it appears that deceased Sae Gajanan Apsangi had died on 30/09/2017 at Sangli. Therefore, this Court is of considered view that applicants are the only legal heirs of deceased Sae Gajanan Apsangi. Hence, this Court answers point No.1 in affirmative and in answer to point No.2, pass the following order.

ORDER

1. Application is allowed.
2. Issue legal heirship Certificate in the name of applicant No.1. Shrinivas Gajanan Apsangi, 2. Gajanan Bhimrao Apsangi & 3. Ms. Shweta Gajana Apsangi accordingly.
3. Applicants shall pay Court Fees as per rule

Date : 27/09/2019
Place : Ajara.

(D. T. Patil)
Civil Judge Junior Division, Ajara.