

Order below Exhibit No. 01
(Passed on 12th day of June, 2018)
CNR Number MHNG09-000426-2018

1. Perused the application and record. Heard learned advocate for the Applicants. Having considered his submissions and material available on record, points for determination along with my findings and reasons therefor are as under :-

<u>Sr. No.</u>	<u>POINTS</u>	<u>FINDINGS</u>
(i).	Whether Applicants are entitled for heirship certificate under the Bombay Regulation Act ?	Yes.
(ii).	What order ?	As per final order.

REASONS FOR FINDINGS

AS TO POINT NOS. 1 AND 2

2. This is the application filed under the Bombay Regulations Act, 1827 for issuance of heirship certificate in favour of Applicants. The Applicants have come with a specific case that Applicant No.1 to 3 are sons and Applicant No.4 to 7 are daughters of deceased Devkabai Bhaiyalal Paleriya, who expired on 26.10.2006. She was survived by these Applicants as her only legal heirs. She was owner of house property situated at Mouza House No.186, Ward No.06, Saoner, Tahsil Saoner, District Nagpur. After her death, to mutate their names on said house property the Applicants had to institute this proceeding for issuance of heirship certificate in their favour.

3. To support their contentions, Applicants examined Applicant No.1 below Exhibit 09. He supported their entire case on oath. That apart they also relied upon document filed with list

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(Exh.04) i.e. death certificate of late Devkabai Bhaiyalal Paleriya (Exh.4/1), death certificate of late Bhaiyalal Chudamansao Paleriya (Exh.4/2), copy of identity card of Applicant No. 1 to 7 (Exh.4/3 to Exh.4/9) and copy of Tax receipt (Exh.4/10). On going through this record, it is crystal clear that the said Devkabai Bhaiyalal Paleriya died on 26.10.2006 and was survived by the Applicants as her only legal heirs.

4. Here, it is worth to be noted that on receiving this application, a paper publication was issued. Copy of said paper publication is filed with list (Exh.08). However, nobody appeared to put forward any claim contrary to that of the Applicants. Being so, I am of the opinion that they are the sole legal heirs of late Devkabai Bhaiyalal Paleriya and therefore are entitled to have a heirship certificate in their favour as prayed. Consequent thereto, I answered finding of Point No.1 in the affirmative and to answer finding of Point No.2, I pass the following order.

ORDER

(i) The application is partly allowed. Applicants Shri. Ashok Kumar Bhaiyalal Paleriya, Shri. Kishor Bhaiyalal Paleriya, Shri. Anup Bhaiyalal Paleriya, Smt. Suman Gurudayal Pandya, Smt. Suman Ratanlal Barhaiya, Smt. Latabai Sitaram Cheepa and Smt. Rekha Madhukar Devla are declared as the legal heirs of late Devkabai Bhaiyalal Paleriya. Issue Legal Heirship Certificate accordingly.

(ii) The Applicants to note and comply.

Saoner
Date : 12.06.2018

J. S. Kokate
Civil Judge Junior Division, Saoner.
District Nagpur.

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C E R T I F I C A T E

**“I affirm that the contents of this P.D.F. file order
are of word to word as per original order.”**

Name of Stenographer : N. B. Payade