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**IN THE COURT OF CIVIL JUDGE, JUNIOR DIVISION, PARSEONI,
DISTRICT-NAGPUR**

(Presided over by S.D.Wankhede)

Succession Case No.01/2018
(CNR No.MHNG14-000352-2018)

Exh.No.24

- Applicants:**
1. Smt.Jayshree, Wd/o.Ganesh Acharya,
Aged about 30 years, Occupation-Household,
 2. Master Shourya Ganesh Acharya,
Aged about 6 years, Occupation-Student,
through its natural guardian mother i.e.
applicant no.1 Smt.Jayshree, Wd/o.Ganesh
Acharya.

Both r/o.Ward no.2, Infront of Police Station,
Parseoni, Tahsil-Parseoni, District-Nagpur.

: Versus :-

Non-applicant: NIL

Shri. Vilas P. Bhoyar – Learned Adv. for the applicants.

APPLICATION FOR GRANT OF LEGAL HEIRSHIP CERTIFICATE.

ORDER

(Passed on 23rd day of October, 2018)

The applicants named above have moved this application under Bombay Regulation Act for grant of legal heirship certificate in their names.

2. According to the applicants they are respectively the widow and son of deceased Ganesh Devaji Acharya who died on 03.07.2018 due to cardiac attack. Deceased Ganesh Acharya was an Assistant Teacher at the Zilla Parishad, Gondia and posted at Nansari, Tahsil Amgaon, District Gondia, but during the course of his service he could not record the names of applicants in his service book as his nominees. Therefore, they have moved this application for heirship certificate in order to claim the provident fund amount, pensionary benefits, insurance claim etc. of deceased Ganesh Acharya.

3. In view of this application, due publication was made in the local newspaper, upon which the mother of deceased Ganesh Acharya namely Sau.Kusumbai Devaji Acharya appeared before the Court and filed an application under Order I Rule 10 of CPC for adding her as necessary party to the proceedings vide Exh.23. But lateron aforesaid Kusumbai Acharya withdrawn the application at Exh.23, hence it came to be filed vide this Court order dated 23.10.2018.

4. The report of publication is filed on record. So also, the newspaper is filed on record. Present application is supported by an affidavit. Apart from this, the applicants have also filed verified photocopy of death certificate of deceased Ganesh Devaji Acharya issued by Nagar Parishad, Amgaon at Ex-11, verified photocopy of marriage certificate issued by the Grampanchayat, Parseoni at Exh.12, verified photocopy of Adhar Cards of applicants at Exs.13 and 14 and verified photocopy of birth certificate of applicant no.2 at Exh.18. All above documents probablises the claim of applicants that they are the

only legal heirs of deceased Ganesh Devaji Acharya. Apart from this, no one else has claimed to be the legal heirs of deceased Ganesh Devaji Acharya after publication of public notice in the concerned newspaper. The applicants have filed an affidavit of applicant no.1 Jayshree Ganesh Acharya to support their case. The deposition of this witness is in line with the contentions of the applicants in their main application. Hence, I do not find any reason to reject their claim. Accordingly, I proceed to pass the following order:-

ORDER

1. The application is hereby allowed.
2. The applicants are entitled to have the heirship certificate under Rule 3 of Chapter I of the Bombay Regulation Act VIII of 1827.
3. The draft of the certificate be prepared according to law.
4. Case is hereby disposed of.

Parseoni
Date-23.10.2018.

(S.D.Wankhede)
Civil Judge, Jr.Dn., Parseoni,
Tahsil Parseoni, District Nagpur.

Argument heard on	16.10.2018
Judgment delivered on	23.10.2018
Transcription ready on	23.10.2018
Judgment checked and signed on	23.10.2018

CERTIFICATE

I affirm that the contents of this P.D.F. file of final order are word to word, as per original final order.

Name of Stenographer-Abhijit Yeshwant Kulkarni