

CIVIL M.A.NO. 01/2018

- 1) Smt.Chaya Shashikant Lakambare
Age 63 yrs. occu.Household
- 2) Surendra Shishikant Lakambare
Since deceased through LRs
2-A) Madhavi Surendra Lakambare
Age 41 yrs. Occu.Household
2-B) Sharvel Surendra Lakambare
minor guardian mother applicant 2-A
- 3) Suchitra Satish Aanekar
Age 43 yrs. Occu.Service
- 4) Sunita Santosh Bhambure
Age 42 yrs. Occu.Household
R/o.1, 2-A and 2-B of Shirala Tal.Shira
No.3 ESIS Quarter, Akurli road
Kandiwali Mumbai
Bo.4 r/o.Kasegaon Tal.Walwa Dist.Sangli .. Applicants

VS

NIL

Opponent.**ORDER BELOW EXH.1**

(Delivered on 17-03-2018)

This application is U/sec.2 of the Bombay Regulation Act, VIII of 1827 for grant of heirship certificate recognizing the applicants as heirs of the deceased Shshikant Rajaram Lakambare who died on 8-6-2010.

- 2) According to the applicants, deceased Shshikant Rajaram Lakambare was the husband of applicant No.1 and father of applicant No.2. Applicant No.2 was died on 2-12-2015. Applicant No.2-A is wife of applicant No.2 and applicant No.2-B

is his son. Applicant Nos.3 and 4 are the daughters of deceased Shshikant Rajaram Lakambare.

3) Deceased Shshikant Rajaram Lakambare died on 8th June 2010. He owns property bearing C.T.S. No.957 of Shirala. The applicants have filed on record the death certificates of the deceased Shshikant Rajaram Lakambare at Exh.7 and deceased Surendra at Exh.8. The applicants have also filed on record the documents along with list at Exh.3. The applicants have prayed for issuance of heirship Certificate in the name of applicant Nos.1 to 4.

4) The proclamation (Exh.10), public notice in daily newspaper 'Janpravas' dtd.26-1-2018 (Exh.14/1) were issued calling upon public at large, who may dispute the right of the applicants to appear in the Court and enter their objection within one month from the date of publication to grant of heirship certificate to the applicants.

5) It is gathered from the record that, applicant No.1 is the wife of deceased Shshikant Rajaram Lakambare. Applicant No.2 Surendra was the son of deceased Shashikant, but he is no more. His legal heirs i.e. applicant Nos.2-A and 2-B are his wife and son respectively. So also applicant Nos.3 and 4 are the daughters of the deceased Shshikant Rajaram Lakambare. A property bearing C.T.S.No.957 situated at Shirala is in the name

of Shshikant Rajaram Lakambare. The applicants are the only legal heirs and successors of the deceased and there are no other legal heirs and successors to the deceased Shshikant Rajaram Lakambare. After the sad demise of deceased the applicants have to look after all the affairs of the said property hence they need legal heirship certificate. The applicant approached to the T.I.L.R. Office Shirala for mutation of said property in their names, but concerned authority (Exh.3/1) have directed to the applicants to bring the legal heirship certificate from competent Civil Court. Hence, this application.

6) From the oral as well as the documentary evidence, it is established that, after the death of Shshikant Rajaram Lakambare, the applicant No.1 being the wife, deceased applicant No.2 Surendra being son of deceased Shashikant, applicant Nos.2-A and 2-B being the wife and son of deceased applicant No.2 Surendra and the applicant Nos.3 and 4 being daughters of deceased Shshikant Rajaram Lakambare are the only legal heirs of deceased. The citation was issued upon all the person in daily newspaper "Janpravas" claiming to have any interest to come and see the proceeding before grant of heirship certificate however, none appears and raise objection. The documentary evidence in the nature of death certificate of Shshikant Rajaram Lakambare and Surendra Shashikant Lamabare supports to their version by way of affidavit below Exh.16.

7) It is obvious from the record that applicant Nos.1 to 4 are the legal heirs of deceased Shshikant Rajaram Lakambare. In this backdrop and considering the evidence brought on record, I come to the conclusion that, the applicant Nos.1 to 4 are entitled for issuance of heirship certificate. Therefore, I proceed to pass the following order.

ORDER

- 1) Application is allowed in following terms.
- 2) The heirship certificate be given in favour of applicant Nos.1 to 4 as a legal heir of deceased Shshikant Rajaram Lakambare under VIII Bombay Regulation Act, 1827 on furnishing indemnity bond of Rs.25,000/- (Rupees Twenty five thousand).'
- 2) The applicants shall pay the appropriate court fee for issuance of heirship certificate.
- 3) The proceeding is accordingly disposed of.

(Dictated directly on computer and pronounced in open Court)

Date : 17-03-2018

Sdxxx/-
(S.H.Gaherwar)
Civil Judge, (Jr.Dn.)
Shirala