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Decided on : 14-06-2018

D u r a t i o n : 00Y. 05M. 10D.**IN THE COURT OF JT.CIVIL JUDGE JUNIOUR DIVISION ARVI,
TQ.ARVI, DIST. WARDHA.**

(PRESIDED OVER BY S. H. BELSARE)

Miscellaneous Judicial Case No.1/2018**Exh.No.19****[CNR : MHWR08000040-2018]**

1. **Varsha Babarao Badge**
Aged about 32 years, Occ- Labour,
R/o. Mayabai Ward, Arvi, Tq.Arvi, Dist.Wardha
2. **Nilam Dhiraj Borkar**
Aged about 27 years, Occ-Household,
R/o.Gwaliar, Tq.Gwaliar, Dist.Gwaliar
3. **Arti Babarao Badge**
Aged about 24 years, Occ-Labour,
R/o. Mayabai Ward, Arvi, Tq.Arvi, Dist.Wardha.
4. **Vishal Babarao Badge**
Aged about 22 years, Occ-Service,
R/o. Mayabai Ward, Arvi,
Tq.Arvi, Dist.Wardha.

... **APPLICANTS.****-Versus-****Nil.**... **NON-APPLICANT****APPLICATION U/S 2 OF THE BOMBAY REGULATION ACT, VIII
OF 1827 FOR GRANT OF LEGAL HEIRSHIP CERTIFICATE.**

.....

Mr. C. A. Dongare, Learned Advocate for the applicants.

.....

J U D G M E N T
(Delivered on 14th June, 2018)

This application is filed by applicants under section 2 of the Bombay Regulation Act, VIII of 1827 for grant of legal heirship certificate.

2. Briefly stated, case of applicants is as follows: It is submitted that the deceased Babarao Dhannuji Badge and Anjana Babarao Badge are respectively father and mother of applicant No.1 to 4. Deceased Babarao Dhannuji Badge and Anjana Babarao Badge are died on 20-01-2006 and 11-01-2002 at Hospital of Amravati respectively. Applicants are only legal heirs of the deceased Babarao Dhannuji Badge. They submitted that they want legal heirship certificate for the purpose of the mutated their names in the respect of revenue record of house property No.18000124 at Mayabai Ward, Arvi in lieu of deceased Babarao Dhannuji Badge. Hence, they prayed to issue legal heirship certificate in their names.

3. Heard argument of learned advocate Mr. C. A. Dongre appearing on behalf of applicants at length.

4. Following points arose for determination in the light of facts and the circumstances of the case and record findings to each of them for the reasons stated as under :-

Points	Findings
1) Whether, the applicants are entitled to : legal heirship certificate, as prayed for?	<u>In the affirmative.</u>
2) What order? :	<u>As per final order.</u>

REASONS

5. **As to point No. 1 :-** In order to prove respective claim, applicants have examined Varsha Babarao Badge (A.W.1) at Exh. 9 and closed their evidence. Heard learned advocate for applicants. On receipt of this application, public notice calling objections to this application was issued in Marathi Dainik Punyanagari on 26/04/2018. Nobody appeared and objected the same. Thereafter, applicant No.1 deposed the same facts as stated in the application. Her testimony is corroborated by documents on record. Death Certificate of deceased Babarao Dhannuji Badge and Anjana Babarao Badge at Exh.10 and 11 respectively, Copy of tax receipt of property No.18000124 is at Exh.12, Copy of Adhar Card of applicant No.1, 3 and are at Exh-13 to 15, Copy of Election Card of applicant no.2 is at Exh.16, paper publication is at article-A and its receipt is at Exh.17. Hence, application of applicants is supported by documents. Further, the testimony of the applicants is not challenged by anyone. Hence, on taking into consideration evidence of applicant No.1 on affidavit and documents on record. This Court hold that, this application deserves to be allowed by issuing legal heirship certificate in the name of applicants. Hence, answer to point No.1 in the affirmative.

6. **As to Point No.2 :** In view of the answer to point No.1 in the affirmative and answer to point No.2 proceed to pass following order.

ORDER

1. The application at Exhibit No.1 under section 2 of the Bombay Regulation Act, VIII of 1827 is allowed to meet the ends of justice where-by.

2. The applicants are declared to be legal heirs of Late Babarao Dhannuji Badge.
3. Issue legal heirship certificate in the name of applicants on payment of necessary court fees.

[S. H. Belsare]
Jt. Civil Judge, Jr, Dn.
Arvi, Dist.Wardha.

Date: 14/06/2018.

Certificate

I affirm that the contents of this PDF Judgment are same word to word, as per the original Judgment.

Name of Stenographer : Mr. B. S. Chawake
Name of Court : Jt.Civil Judge, Jr.Dn., Arvi
Date : 14 June, 2018
Judgment signed by the
Presiding Officer On : 14 June, 2018
Judgment uploaded on : 14 June, 2018