

CNR No. MHND100005832023	Presented on : 04-04-2023
	Registered on : 04-04-2023
	Decided on : 01-07-2023
	Duration : 02months, 19 days

Order Below Exhibit 01 in Civil Misc. Application No.121/2023
Ramesh and others-vs- Nil

This is an application filed under Sec.2 of the Bombay Regulation Act, for issuance of legal heirship certificate.

2. Applicant No.1 and 3 are brother of each other, whereas applicant no.2 is their sister. Mother of applicant Nos. 1 to 3 namely, **Laxmibai W/o Ramchandrarao Phulari** died on 30.11.2022 leaving behind her the applicants as her only legal heirs. Except the applicants, there is no other legal heirs of deceased **Laxmibai W/o Ramchandrarao Phulari**. Applicants require heirship certificate of deceased **Laxmibai W/o Ramchandrarao Phulari** to file in the offices off Government and Semi-government offices, as and when required. Hence, the application.

3. Heard the learned advocate for applicants Shri S.T.Garudkar.. Perused the application alongwith documents filed on record. Following points arise for my determinations on which I recorded findings alongwith reasons to follow :

<u>Sr.No.</u>	<u>Points</u>	<u>Findings</u>
1	Do applicants appear to be legal heirs of deceased Laxmibai W/o Ramchandraraao Phulari ?	Affirmative
2	Whether application is deserved to be allowed ?	Affirmative
3	What order ?	Application is allowed.

REASONS

4. The applicants in support of their claim, examined to Ramesh s/o Ramchandraraao Phulari (AWNo.1) at Exh.11. In support of his testimony, he relied upon death certificate of Laxmibai (Exh.8), Paper proclamation in Gaovala dated 14.04.2023 (Exh.10), Hieriship certificate (Exh.5, Sr.No.2), Copy of Adhar Cards of applicants (Exh.5,Sr.3-A to3-C), and I.D. card of deceased Laxmibai (Exh.5,Sr.No.4). Thereafter at Exh. 12, applicants closed their evidence.

Point Nos. 1 to 3 :-

5. Applicant No.1 Ramesh s/o Ramchdra Phulari in support of his contention, has examined himself (A.W.No.1) on affidavit at Exh.10 and reiterated all the facts stated in the present application. He deposed that, applicant nos. 2 and 3 is his sister and brother, respectively. His mother namely laxmibai w/o Ramchandraraao

Phulari died on 30.11.2022 leaving behind her the applicants as her only legal heirs. In support of his testimony, he relied upon death certificate of deceased **Laxmibai W/o Ramchandrarao Phulari** at Exh.08, from which it appears that, Laxmibai wd/o Ramchandrarao Phulari died on 30.11.2022 at village Pethvadaj tq. Kandhar. Moreover, in support of his testimony, he relied upon verified copies of heirship certificate of applicants along with list Exh. 5 Sr.No.2, issued by local authority at village Pethwadaj, from which it appears that, applicants are related to deceased Laxmibai as averred by the applicants.

6. Moreover, the applicants filed on record their verified copies of Adhar cards at list Exh. 5 Sr. Nos.3-A to 3-C, which supported the facts of applicants as to their relationship with deceased Laxmibai.

7. Applicants filed on record, the copy of paper proclamation issued in daily news paper namely “Gawawala”, dated 14.04.2023 at Exh. 10, from which it appears that, though such paper proclamation relating to the present proceeding is issued in such news paper, however, till date no one appeared and raised an objection to the claim of applicants. Thus, for want of objection to the claim of applicants, their claim remained unchallenged. Thus, considering the said fact, I have no reason to disbelieve the testimony of applicants.

8. Thus, after going through the aforesaid discussion it

appears that, deceased Laxmibai wd/o Ramchandraraao Phulari, who was a mother of applicants, died on 30.11.2022 at village Pethwadaj, tq. Kandhar, leaving behind her the applicants her only legal heris. The applicants, required her heirship certificate to file in Govt. and Semi Govt. offices, as and when required. Thus, considering the said fact, in my view the applicants are deserved to be formally recognized as legal heirs of deceased Laxmibai wd/o Ramchandraraao Phulari. Hence, I answer Point nos.1 to 2 in affirmative.

9. Considering the finding of Point nos. 1 to 2, it appears that application is deserved to be allowed. Hence, I answer point no. 3 as under-

O R D E R

- i) The application is allowed.
- ii) The applicants, namely, (1) Ramesh S/o Ramchandrrao Phulari, (2) Rukhminbai w/o Udhav Phulari and (3) Dilip S/o Ramchandraraao Phulari are formally recognized as legal heirs of deceased **Laxmibai Wd/o Ramchandraraao Phulari** and accordingly, certificate be issued in compliance of Para 312 and 313 of the Civil Manual, on payment of court fees as per law.
- iii) Applicants to bear their own costs.
- iv) A.S. to report the Court on payment of necessary court fees by the applicants.

(P. D. Azade)

Date : 01.07.2023

2nd Jt. Civil Judge Junior Division
Kandhar.

CERTIFICATE

I affirm that the contents of this P. D.F file judgment are same word to word, as per the original Judgment.

Name of the Stenographer	:- Y.B.Wani
Court Name	:- In the Court of 2 nd Jt CJJD, Kandhar
Date	:- 01.07.2023
Judgment signed by the presiding officer on	:- 01.07.2023
Judgment uploaded on	:- 01.07.2023