

MHTH020033832023 	<u>CIVIL M.A. 779/2023</u> (Previously wrongly numbered as 799/2023) <u>Mahesh Jialdas Premchandani and 2</u> <u>Vs. Nil</u>
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: **ORDER BELOW EXH. 01** :

This is an application under section 2 of The Bombay Regulation Act VIII of 1827 for grant of heirship certificate. The applicant submit as follows :-

The applicants are husband and sons of the deceased Smt. Bhartidevi Mahesh Premchandani who died on 15/12/2013 at Bhandup(W), Mumbai. All are residing at the address shown in the title of the application. The deceased was member of MangalSmruti (MangalMurti CHS. Ltd.) wherein the commercial premises i.e. office/flat no.03(old flat no.001), adm.157 sq.ft. built up area, ground floor was situated more specifically mentioned in para 3 of the application and referred to as the Schedule of Property as given along with Exh.1. The applicants have filed this application for garnt of heirship certificate in respect of above referred schedule property. The deceased was the owner of the scheduled property and the applicant no.1 is the nominee of the scheduled property in the record of the said housing society. The applicant are the legal heirs of the deceased having equal share in the scheduled property.

02] There is no will made by the deceased in respect of the scheduled property. The applicants need heirship certificate in respect of the scheduled property as the said housing society as required so. Hence, this application for issuance of a heirship certificate.

03] On receipt of Miscellaneous Application, citation was issued and has been duly published in the locality where the deceased was ordinarily residing. The public notice was published in daily newspaper circulating in the locality i.e. in daily newspaper "Kokan Sakal", dated 29/07/2023. Vide citation and paper publication all persons who want to dispute the rights of the applicants were invited to appear within one month and to enter their objections.

04] The points for determination, alongwith my findings thereon, are as follows.

Sr. Nos.	Points	Findings
01	Whether the applicants are entitled to grant of Heirship Certificate as prayed ?	Yes.
02	What order ?	Application is allowed.

REASONS

AS TO POINT NOS. 01 AND 02 :-

05] In order to substantiate the claim, applicants have submitted their claim affidavits at Exh.22 to to 24. In support of

the application, applicants have placed on record the material documents viz., death certificate of the deceased Bhartidevi Mahesh Premchandani, verified copies of aadhar card and pancard of applicants, self attested ration card of applicants, verified agreement for sale in respect of the scheduled property, citation and paper publication etc. The applicants have closed their evidence vide pursis Exh.25.

06] Heard learned Advocate for the applicant.

07] Perused the affidavits filed by applicant and documents relied upon by them. As per death certificates Exh.15, it appears that deceased Bhartidevi Mahesh Premchandani died on 15/12/2013. The applicants have stated that they are the legal heirs of the deceased.

08] On receipt of Miscellaneous Application, citation Exh.5 was issued and was duly published in the locality where the deceased was ordinarily residing. Proclamation was published in the daily newspaper "Kokan Sakal" dated 29/07/2023 at Exh.20. It is very clear that in spite of paper publication notice and citation, no one has raised any objection to the prayer of the applicants in last more than one and half months. The documents produced show that the claim of the applicants is well founded. The documents produced shows that the claim of the applicants is well founded. Therefore, the applicants are entitled to get recognition of heirship as to the

deceased Sulochana Suryaji Patade in respect of her share of the Sechudle property. Hence the following order.

ORDER

- 01] The application is allowed.
- 02] Issue heirship certificate in the name of applicants as the legal heirs of the deceased Bhartidevi Mahesh Premchandani, in respect of her share in the property mentioned in Schedule of property of application, on requisite court fee stamp.

(Dictated and pronounced in open Court.)

Thane.

Date : 05/10/2023

(A. M. Patankar)

3rd Jt. Civil Judge (S.D.) Thane