

C. M. A. No. 2084/2023

Received On : 03/08/2023

Registered On: 03/08/2023

Disposed On: 27/09/2023

Duration :

**IN THE COURT OF ADDITIONAL SENIOR CIVIL
JUDGE, RAJKOT.**

CIVIL MISC. APPLICATION NO. 2084/2023

Exh.

Shri Shravan Jyotindra Khakhkhar,

Hindu, Adult, Business,

Address :-

Block No. 7, Madhuvan Society,
Jalaram - 3, 150 Feet Ring Road,
Rajkot.

.....APPLICANT

**Sub:- An application for obtaining Heirship
Certificate in respect of the immovable
property of deceased Kiranben Jyotindra
Khakhkhar.**

Advocate:-

Mr. H. N. Bhatt, learned advocate for the applicant.

:: J U D G M E N T ::

- 1]** The applicant has filed this application for obtaining Heirship Certificate in respect of the immovable property left by deceased Kiranben Jyotindra Khakhkhar as mentioned in Schedule at Mark 1/1. The applicant has stated that deceased Kiranben Jyotindra Khakhkhar was his mother, who expired on 15/09/2020 at Rajkot without making any will or testament in respect

of her immovable property and thereby, she claims to be the heir of deceased Kiranben Jyotindra Khakhkhar. The applicant has produced a death certificate of deceased Kiranben Jyotindra Khakhkhar at Ex. 07. The applicant has prayed to obtain Heirship Certificate in respect of the immovable property left by deceased as mentioned in Schedule at Mark 1/1.

- 2]** The public notice inviting objection to the grant of Heirship Certificate published in daily newspaper 'Sanj Samachar' dtd. 10/08/2023 and the said newspaper is produced on record vide Ex. 09. In response to the publication of the said notice, no one has appeared to file any objection.
- 3]** In support of this application, the applicant has filed his final affidavit at Ex. 13, wherein he has reiterated the facts of the application and supported the facts of the application. Mainly he has stated that deceased Kiranben Jyotindra Khakhkhar was his mother, who expired on 15/09/2020 at Rajkot. Further, he has stated that after publication of notice in daily newspaper 'Sanj Samachar' dt. 10/08/2023, no one has appeared to file any objection and therefore, he has prayed to issue Heirship Certificate in his favour in respect of the immovable property left by deceased.

- 4]** The other nearest relatives and heirs of the deceased Kiranben Jyotindra Khakhkhar have filed their respective consent affidavits vide Exh. 11 and Exh. 12, wherein they have consented to issue Heirship Certificate in favour of the present applicant.
- 5]** In this application, the applicant has produced true copy of Sale Deed at Exh. 08 and perusing the same deceased Kiranben Jyotindra Khakhkhar is the owner of the immovable property as mentioned therein.
- 6]** The applicant side has filed pursis vide Exh. 15, wherein he is ready and willing to pay the maximum court fees. In view of the above, the applicant is liable to pay maximum Court fees of Rs. 75,000/- so far value of the immovable property left by deceased is concerned.
- 7]** The applicant has filed a closing purshish at Ex. 16 for completion of his evidence.
- 8]** Looking to the record of the case and the evidence produced by the applicant, the applicant has complied with requirements to grant Heirship Certificate in respect of the immovable property left by deceased Kiranben Jyotindra Khakhkhar as mentioned in Schedule at Mark 1/1 and no one has appeared to file any objection in respect of the publication of notice in daily newspaper as discussed above. The

nearest relatives & heirs of deceased have also filed affidavits and given their consent for issuing Heirship Certificate in favour of the applicant so far immovable property left by deceased is concerned. Therefore in view of above discussion, there is no reason to disbelieve the version of the applicant and accordingly, the applicant's application is required to allow. Hence, in the interest of justice, following final order is passed.

:: O R D E R ::

1] The present Civil Misc. Application No. 2084/2023 is allowed.

2] The Heirship Certificate be issued in the name of the applicant Shri Shravan Jyotindra Khakhkhar in respect of the immovable property left by deceased Kiranben Jyotindra Khakhkhar as per Schedule at Mark 1/1 on production of maximum Court Fees of Rs. 75,000/- on value of the immovable property.

Signed and pronounced in the open Court today on this 27th day in the month of September - 2023.

Date:- 27/09/2023

RAJKOT

(**K. S. Makhija**)
Additional Senior Civil Judge,
RAJKOT
UIC No. GJ 00668