

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8787 OF 2025

1. Smt. Divya Rajesh Revankar
Age: 41 Occ: School Teacher
R/o House No. 4 Yasholaxmi
Nagar Kabnoor
Tal: Hatkangale Dist Kolhapu

2. Dhruv Rajesh Revankar
Age: 20 Occp: Business
R/o House No. 4
Yasholaxmi Nagar Kabnoor
Tal: Hatkangale Dist Kolhapur

3. Ms. Pradnya Rajesh Revankar
Age: 16 Occ: Education
Through Petitioner No. 1
being her mother) of Minor Guardian

...Petitioners

VERSUS

1. Sou. Lalita Nagesh Revankar
Age: 72 Occ: Housewife
R/o House No. 30 Ganesh Yasholaxmi
Nagar Kabnoor Tal: Hatkangale Dist
Kolhapur

...Respondent

Adv. Devashish Godbole, (Through VC) a/w. Adv. Hrishikesh S.
Shinde a/w. Adv. Sachin Bhavar, Advocate for petitioners.

Adv. Yogesh P. Morbale, Advocate for Respondents.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : DECEMBER 3, 2025

JUDGMENT:

1. Petitioners take exception to order dated 3rd February 2025 passed by Civil Judge, Junior Division, Ichalkaranji below Exhibit-1 in Civil Miscellaneous Application No. 11 of 2024, whereby petitioners' application for issuance of heirship certificate has been rejected.

2. Late Rajesh Nagesh Revankar expired on 28th November 2018, leaving behind his wife Divya, children Dhruv and Pradnya and mother Lalita. Petitioner nos. 1 to 3, i.e., wife and children of late Rajesh Nagesh Revankar, instituted proceedings before Civil Judge, Junior Division, Ichalkaranji under Section 2 of Bombay Regulation VIII of 1827 for issuance of heirship certificate. Mother of late Rajesh Nagesh Revankar was made respondent and notice of application was duly served upon her. She caused appearance but did not oppose application. Newspaper publication was made on 29th July 2024 inviting objections and nobody raised any objection. In this background, learned Civil Judge, Junior Division, Ichalkaranji passed impugned order dated 3rd February 2025 and rejected application.

3. Mr. Devashish Godbole, learned Advocate appearing on behalf of petitioners, submits that Trial Court refused to consider petitioners' prayer without appreciating provisions of Section 8 of Hindu Succession Act. Father of deceased is not a Class-I heir, whereas mother, wife and children are enlisted as Class-I heirs. He submits that heirship certificate ought to have been issued jointly in the name of petitioners and respondent no. 1, being Class-I heirs of late Rajesh Nagesh Revankar.

4. Having considered submissions advanced by learned Advocate appearing for respective parties, it can be observed that Trial Court was of view that petitioners, ought to have mentioned about Nagesh Revankar, i.e., father of deceased in application. Further they have not explained as to why they had approached National Company Law Tribunal. Lastly, opponent did not remain present in proceedings hence, heirship certificate cannot be issued in her name.

5. Apparently, observations of Trial Judge are perverse. In proceedings for issuance of heirship certificate, it is expected to ascertain who are legal heirs of deceased. In present case, petitioners and respondent no. 1 are undisputedly Class-I heirs.

Although there is reference to Nagesh Vekatrao Revankar, i.e., father of late Rajesh Nagesh Revankar, as rightly pointed out by Mr. Godbole, he cannot be treated as a Class-I heir. Trial Court had no reason to refuse heirship certificate in the name of Class-I heirs, particularly when no objection was received in pursuance of paper publication.

6. Needless to state that heirship certificate does not confer absolute rights in favour of holders in properties left by deceased, it only permits holders to represent estate of deceased.

7. In that view of matter, impugned order cannot be sustained in law and is accordingly quashed and set aside. Civil Miscellaneous Application No. 11 of 2024 filed by petitioners before Civil Judge, Junior Division, Ichalkaranji is allowed. Civil Judge, Junior Division, Ichalkaranji is directed to issue heirship certificate in favour of petitioners and respondent no. 1 in accordance with the prescribed format.

8. Writ Petition stands allowed and disposed in aforesaid terms.

(S. G. CHAPALGAONKAR, J.)