



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 510 of 2025

[Shubhlaxmi wd/o Shrawan Pujari ..vs.. Dinesh Laxman Chunarkar
and anr.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. V. Kaplay, Advocate for the petitioner

CORAM : ANIL L. PANSARE J.

DATED : 11-02-2025

On 28-1-2025, following order was passed.

“One of the questions that requires answer is whether the petitioner is claiming rights over the immovable properties left behind by the deceased in his application seeking Legal Heir Certificate. If yes, whether Court Fee Stamp is payable.

2. Learned counsel for the petitioner seeks time to have search on the point.

3. List on 04.02.2025.”

2. Learned counsel for the petitioner has relied upon judgment passed by the coordinate Bench of this Court in Writ Petition No. 3458/2021 dated 10-10-2022 wherein the Court held thus :

*“4. The impugned order dated 20/06/2020 (pg.20) directs filing of a valuation report in respect of the properties in question in order to determine the duty as per Article-10 of the Maharashtra Court Fees Act thereupon. The application is for seeking certificate under the Bombay Regulation VIII of 1827. In **Shri Ganpati Vinayak Achwal 2015 (2) ALL MR 285**, it has been held that the heirship certificate does not bestow the status of an heir upon a person but only a formal recognition of his existing status as an heir. The provisions of Article-10 of Schedule-I of the Maharashtra Court Fees Act require imposition of court fee upon probate of a will or letters of administration, considering which, Article-10 of the*

Maharashtra Court fees Act is clearly not attracted in the proceedings under the Bombay Regulation VIII of 1827, considering which, the impugned order insofar as operative para 3 is concerned, is hereby quashed and set aside. The writ petition is accordingly partly allowed. No order as to costs.”

Thus, the coordinate Bench has taken a view that for heirship certificate, the provisions of Article-10 of Schedule-I of the Maharashtra Court Fees Act will not apply.

3. Issue notice, returnable in three weeks.

(Anil L. Pansare, J.)

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