

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 3341 OF 2026

Ajinkya Ramesh Dharam And Another
VERSUS
Ramesh Bhausaheb Dharam

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Advocate for the Petitioners : Mr. Shelke Shivaji T.
Advocate for Respondent : Mr. Pravin D. Biradar

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : APRIL 06, 2026

PER COURT :-

1. The petitioners impugn order dated 17.01.2026 passed below Exhibit-1 by learned 3rd Joint Civil Judge Junior Division, Rahata, District Ahmednagar in Civil M.A. No.78 of 2025 to the extent of inclusion of name of Ramesh Bhausaheb Dharam as heir of deceased Minakshi Ramesh Dharam. The petitioners seek direction that learned Court to issue heirship certificate to petitioners in prescribed format as heirs declaring them only as heirs of deceased Minakshi, excluding name of their father.

2. The petitioners mother namely Minakshi died on 18.08.2014. Petitioner no.1 came to be appointed as Assistant Teacher on compassionate ground as against death of her mother. The petitioner filed Civil M.A. No.78 of 2025 for grant of heirship certificate under Rule 2 of Bombay Regulation, VIII of 1827 before learned Civil Judge Junior Division, Rahata. Learned Civil Judge

Junior Division allowed application and issued heirship certificate in name of petitioners as well as their father Ramesh Dharam.

3. Mr. Shelke, learned advocate appearing for petitioners submits that since application for grant of heirship certificate was moved by petitioners only, learned Judge could not have issued heirship certificate by incorporating name of their father as one of the heir of late Minakshi. In support of his contention, he relies upon observations of Single Judge of this Court in case of *Ganpati Vinayak Achwal* reported in **2014 (6) Mh.L.J. 683**.

4. It is not disputed before this Court that petitioners are governed by Hindu Personal Law. On death of petitioners mother, petitioners along with their father would be legal heirs in light of Section 15 of Hindu Succession Act, which prescribes heirs of Hindu female in clause (a) which includes sons and daughters and husband. Mr. Shelke would submit that petitioners father was not an applicant before Court. Therefore, in light of provisions of Bombay Regulation VIII of 1827, certificate ought to have been issued in name of applicants only and it was not necessary to include name of petitioners father as one of heir in certificate.

5. It is difficult to countenance with aforesaid submissions. Once an application is made before Court for grant of heirship certificate, it is necessary to include all heirs in declaration and such certificate cannot be issued excluding heirs in terms of Section 15(a) of

Succession Act. Reading of provisions under Bombay Regulation VIII of 1827 nowhere prescribes that heirship certificate can be issued in name of applicants, excluding any heir, who has not applied for grant of certificate, particularly same is discernible from record tendered before Court.

6. In result, this Court finds no fault in impugned certificate issued. Hence, writ petition stands rejected.

(S.G. CHAPALGAONKAR, J.)