

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.840 OF 2026**

Madhukar Dinkar Dhore ... Petitioner  
versus  
Kisan Bajirao Gade and Ors. ... Respondents

Mr. Prabhakar Jadhav i/by Mr. Vishal Kolekar, for Petitioner.

**CORAM: N.J.JAMADAR, J.**

**DATE : 20 JANUARY 2026**

**P.C.**

1. Heard the learned Counsel for the Petitioner.
2. The challenge in this Petition is to an order dated 19 December 2025 passed by the learned Civil Judge, Vadgaon Maval, whereby an application preferred by the Petitioner to implead him as a party to the Civil Misc. Application No.60 of 2025, came to be rejected.
3. The said Application is filed for grant of heirship certificate under Bombay Regulation VIII of 1827. Evidently, the Petitioner is not one of the heirs of the deceased Baidabai @ Savitrabai Bajirao Gade, within the meaning of Section 15 of the Hindu Succession Act, 1956. It is trite, the remit of heirship certificate is confined to a formal declaration. The questions of title to the property are alien to the inquiry for grant of heirship certificate under the Bombay Regulation VIII of 1827.
4. A useful reference in this context can be made to a Division Bench

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judgment in the case of **Aloysius Manuel D'Souza and Ors Vs Mary Kamala William Manuel D'Souza and Ors**,<sup>1</sup> wherein the nature of the proceeding under Bombay Regulation VIII of 1827 and the import of heirship certificate granted thereunder was expanded as under.

“5. The first part of clause 7 provides that an heir holding the proper certificate, may do all acts and grant all deeds competent to a legal heir and obtain judgment in any Court in that capacity. The second part of clause 7 clarifies that the heirship certificate confers no right to the property. It only indicates the person who is in the legal management of the property of the deceased. It further provides that grant of such certificate does not finally determine nor injure the rights of any person and the certificate may be annulled by the Zila Court upon proof that another person has a preferable right. The third part of clause 7 provides, inter alia, that a heir holding a certificate shall be accountable for his acts in that capacity to all persons having an interest in the property, in the same manner as if no certificate had been granted.

6. Clause 8 provides that refusal of a certificate by the Judge shall not finally determine the rights of the person whose application is refused, but shall still be competent to him to institute a suit for the purpose of establishing his claim. Conversely, therefore, it can be said that if the certificate is granted, then it does not finally determine the rights of the person in whose favour the certificate has been granted and does not take away the rights of other person to establish his claim in the competent Court nor does, as provided in the second part of clause 7, the certificate confer any right to the property.

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1 2006 SCC OnLine Bom 821.

7. The appellants seek to submit that Mary Kamala never married the said deceased and she is not his widow and, therefore, not entitled to the estate of the deceased.

8. The grant of heirship certificate does not establish the right of such party in the property of the deceased by itself. In this view of the matter, the rights of the appellants, if any, in the property of the deceased are not taken away by grant of heirship certificate to the respondent No.1. On the other hand, clause 7 further makes it clear that such heirship certificate holder is accountable to all persons having an interest in the property for the acts so done by him or her.”

5. In this view of the matter, the Petitioner does not appear to be either necessary or proper party to the application for heirship certificate. Learned Civil Judge was, therefore, justified in rejecting the application for impleadment as party Respondent in the application for grant of heirship certificate.

6. Needless to clarify that if the Petitioner asserts an independent right in the property, the Petitioner would be at liberty to institute an appropriate proceeding before the appropriate forum.

7. Subject to the aforesaid clarification, the Writ Petition stands disposed.

**( N.J.JAMADAR, J. )**