

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION

MISC. PETITION NO. 372 OF 2025

Ganpat Bhaguji Ukirde .. Deceased

Pandurang Ganpat Ukirde .. Petitioner

WITH
INTERIM APPLICATION (L) NO. 37184 OF 2025
WITH
INTERIM APPLICATION (L) NO. 37187 OF 2025
WITH
INTERIM APPLICATION (L) NO. 37215 OF 2025
WITH
INTERIM APPLICATION (L) NO. 37157 OF 2025
IN
MISCELLANEOUS PETITION NO. 372 OF 2025

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- Mr. Pravinchand B. Gole i/by Ms. Seema Hunnurkar, Advocates for Petitioner
 - Mrs. Kanchan S. Kambli, Advocate for Caveators
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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 23, 2026

P.C.:

1. Heard Mr. Gole, learned Advocate for Petitioner and Mrs. Kambli, learned Advocate for Caveators.
2. On 16.01.2026, following order was passed:-

"1. Heard Ms. Hunnurkar, learned Advocate for Petitioner.

2. Today when the matters are called out for hearing, none appears for the Caveators.

3. Pursuant to the order dated 07.11.2025, it is prima facie seen that four objectors have filed the Caveats. Petition is filed by Respondent

represented by Ms. Hunnurkar for legal heirship certificate. That Petition is numbered as Misc. Petition No.372 of 2025.

4. It is prima facie seen that the names of the four objectors are categorically mentioned in paragraph No.4 of the Petition as also in prayer clause 'a' of the Petition.

5. In that view of the matter, there can be no impediment in issuing orders in the Petition granting heirship certificate to the heirs of the deceased whereby Petitioner has not objected to the declaration and the Caveators as legal heirs of the deceased. However since Ms. Kambli is not present today, one last opportunity is given to her to remain present before this Court on the next adjourned date.

6. It is clarified that on the next adjourned date, if Ms. Kambli does not remain present before this Court, present Misc. Petition shall stand allowed and the Caveats which are filed shall stand dismissed.

7. Copy of this order shall be served by Mr. Hunnurkar on Ms. Kambli forthwith.

8. List the Miscellaneous Petition and Interim Applications on Board on 23rd January 2026 for passing orders."

3. Today, Ms. Kambli, learned Advocate appears for 4 Objectors whose details are mentioned in the aforesaid order. She would submit that thought it is true that Petitioner does not object to declaration of Objectors as legal heirs of deceased, however according to her instructions, Legal Heirship Certificate is being obtained by Petitioner for seeking entitlement to an immovable property i.e. a room belonging to the deceased. She would submit that there was a previous settlement / arrangement between the family members *qua* their rights and entitlement with respect to the said room and therefore apprehends that Legal Heirship Certificate / grant which shall be granted by Court in the present Petition will be / can be

misused by Petitioner to the detriment of the 4 Objectors who are also the legal heirs of the deceased.

4. By virtue of issuing grant i.e. Legal Heirship Certificate under Section 2 of Bombay Regulation VIII of 1827, Court determines the legal heirs of the deceased. Though it is true that while filing the Petition, purpose for filing the Petition is required to be mentioned but it does not *ipso facto* mean that the grant has been issued for qualifying the subject purpose which is stated in the Application. In the given case when there are more than one legal heir of the deceased and if there is any dispute between them, this Court does not give its imprimatur on the facts and adjudicate the entitlement and right of the legal heirs to the immovable property to the deceased. That should be left to the appropriate Forum / Civil Court if the parties chose to do so in the matter. It is clarified that insofar as dispute / entitlement / right in respect of the room belonging to the property and credits of the deceased is concerned, this Court has not expressed any adjudication whatsoever. All that this Court has done is in view of Petitioner having agreed for issuance of grant in the names of all 5 legal heirs of the deceased, there can be no impediment in allowing the Petition. Hence, Petition stands allowed in terms of prayer clause (a) which reads thus:-

"(a) *This Hon'ble Court be pleased to issue a legal Heirship Certificate to the Petitioner under the provisions of Bombay Regulation VIII of 1827 certifying that (1) Vitthal Ganpat Ukirde (2) Shivaji Ganpat Ukirde (3) Pandurang Ganpat Ukirde (4) Krishna Ganpat Ukirde (5) Asha Dyaneshwar Kute (6) Bhimabai Dattatray Ukirde (7) Sangita Sharad Pote 8) Manga1 Navnath Mahale (9) Deepali Dattatray Ukirde (10) Dipti Dilip Shelar and (11) Deepak Dattatray Ukirde, as mentioned in para no.4 herein above, are the only heirs and legal representatives of the deceased.*"

5. Issuance of proclamation stands dispensed with.
6. Parties can agitate their claim in respect of the immovable property belonging to the deceased before the appropriate Forum / Civil Court which shall be noted by the parties.
7. Department is directed to issue the Legal Heirship Certificate as directed above within a period of 3 weeks from today positively.
8. Misc. Petition is allowed and disposed subject to compliance of office objections, if any, forthwith which shall be allowed by the Department. It is clarified that the 3 week period shall start from the date of removal of office objections.
9. Petition is disposed in the above terms. All Interim Applications are also disposed.

Amberkar

[MILIND N. JADHAV, J.]

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