

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

MISC PETITION NO. 927 OF 2026

Arti Rushikesh Desai Nee Arati Ashok Shah
Alias Arti Ashok Shah ...Deceased
And
Rushikesh Chandrakrishna Desai ...Petitioner

Mr. Prabhu Velar a/w Pooja Thorat and Saniya Khan, for the Petitioner.

CORAM : ADVAIT M. SETHNA, J.

DATE : 21st AUGUST 2026

PC.:

1. Heard Mr. Prabhu Velar, learned counsel for the Petitioner.
2. This Miscellaneous Petition is filed under Section 2 of the Bombay Regulation VIII of 1827 ("**said Regulation**" for short), for issuance of Legal Heirship Certificate.
3. The Petitioner - Rushikesh Chandrakrishna Desai (aged 48 years) who is the husband of Arti Rushikesh Desai Nee Arati Ashok Shah alias Arti Ashok Shah ("**Deceased**"), who expired in Mumbai on 4th October 2025. The death certificate of the deceased is at **Exh-A** to the Petition.
4. It is stated in the Petition that the deceased passed away intestate and despite due diligence, no Will is discovered. The details of the legal heirs of the Deceased have been set out in the table below paragraph 4 in the Petition. Besides the Petitioner i.e. husband of the Deceased, the

other legal heir is stated to be their minor son i.e. Vihaan Rushikesh Desai, age 17 years.

5. In this regard, Mr. Velar has drawn Court's attention to the Consent Affidavit filed by the Petitioner dated 13th July 2026. The deponent has therein stated that since his son Vihaan Rushikesh Desai is a minor, such Consent Affidavit is made on his behalf being father and natural guardian of the minor son. The deponent has also stated that there is no objection for issuance of the legal heirship certificate in favour of the Petitioner and also that the issuance of proclamation/notice/citation can be dispensed with. The contents of the said Consent Affidavit have been noted.

6. The Petition clearly stated that besides the legal heirs as set out in paragraph 4, there are no other legal heirs or next-of-kin of the deceased. Paragraph 7 of the Petition discloses that the legal heirship certificate is required to be produced before the concerned Society and the other statutory authorities to facilitate the transfer of properties more particularly, set out in the schedule of Assets at Exh.-D to the Petition. Also to recognize all the legal heirs in para 4 of the Petition as the only surviving class-I legal heirs and representatives of the Deceased.

7. The Petitioner states that no application has been made to any District Court or District Delegate or to any High Court for probate of any will of the said deceased or for Letters of Administration with or without the will annexed thereto or for Succession Certificate to the

property and credits of the Deceased abovenamed.

8. Paragraph 13 of the Petition discloses that the Petitioner has paid requisite Court fees in the Petition. It is also stated that there is no delay in filing the present proceedings which is filed within the period of three years from the death of the Deceased.

9. For the reasons and in light of the material on record coupled with the statements/undertakings contained in the Petition, read with the Consent Affidavit filed, issuance of Proclamation is accordingly dispensed with. The Petition is 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 the 1) Rushikesh Chandrakrishna Desai (husband), and 2) Vihaan Rushikesh Desai (son) are the only surviving Class – I Legal Heirs of the deceased, i.e. Arti Rushikesh Desai nee Arati Ashok Shah alias Arti Ashok Shah.”

10. The Petition is disposed of in the above terms. No order as to costs.

11. All concerned to act on an authenticated copy of this order.

[ADVAIT M. SETHNA, J.]