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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 122 OF 2014**

Milind Madhukar Bhanushali

...Petitioner

Mr. Swapnil Patil, *for the Petitioner.*

**CORAM: G.S. PATEL, J
DATED: 9th March 2015**

PC:-

1. The Petitioner seeks the issuance of a legal Heirship Certificate under Section 2 of the Bombay Regulation VIII of 1827 in respect of one Madhukar Raghunath Bhanushali who died intestate at Mumbai, where he was ordinarily resident, on 11th October 2000. No testamentary writing or instrument has been found.

2. The deceased was survived by his widow and two sons. The elder son is the present Petitioner. The deceased's mother died before him. Thus, the widow and two sons are the only heirs of the deceased. The deceased's death certificate as also documents establishing that the Petitioner is one of the sons of the deceased are annexed to the Petition.

3. The deceased owned an immovable property being Survey No. 37 at village-Dimbhe, Taluka-Shahapur, District-Thane and admeasuring 5 Ha and 64 Gunthas. The Petitioner has applied for the transfer of this property in his name in the revenue records. The legal heirship certificate is required for this purpose. The other heirs have consented to this Application and to the present Petition. A proclamation has been issued but none have come forward. An Affidavit of attestation to the affixation to the proclamation is tendered and is taken on record.

4. No other Petition for Letters of Administration (with or without Will annexed) or for Succession Certificate or heirship certificate has been filed. There is no impediment to the grant of relief. The prayer is for an heirship certificate in favour of the heirs of the deceased.

5. Accordingly, the Petition is made absolute in terms of prayer clause (a) which reads thus:

(a) That a Legal Heirship Certificate certifying that (1) Manisha Madhukar Dalvi, the widow, (2) Rakesh Madhukar Bhanushali, the son and (3) Mr. Milind Madhukar Bhanushali, the son and Petitioner herein are the only heirs and Legal Representatives of the deceased under the provision of Bombay Regulation Act VIII of 1827.

(G. S. PATEL, J.)