

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

MISC. PETITION NO. 18 OF 2017

Nagesh Vishnu Pawar

.. Deceased

Asha Nagesh Pawar

.. Petitioner.

Mr.Prabhu Velar i/b Amit S. Vashikar for petitioner.

CORAM : K.R.SHRIRAM, J.

DATE : 15TH FEBRUARY, 2017

P.C.

1 Accepted.

2 The petitioner is the widow of the deceased Nagesh Vishnu Pawar, who died on 29th July 2016. Apart from the petitioner, the only other legal heir of the deceased is a son Nikhil Nagesh Pawar, Aged 25 years, who has consented and consent affidavit is at Exh.'E' to the petition. Hence, issuance of proclamation is dispensed with.

3 The miscellaneous petition is made returnable forthwith and taken up for hearing and final disposal.

4 The petitioner is seeking a Legal Heirship Certificate under Section 2 of the Bombay Regulation Act VIII of 1827 in respect of one Nagesh Vishnu

Pawar who is stated to have died intestate in Mumbai on 29th July 2016. The deceased was ordinarily resident of Mumbai. A copy of the Death Certificate is at Exh.'A' to the petition.

5 During his lifetime, the deceased had availed a Housing Loan from ICICI Bank Ltd. having Loan Account No.LBNMU00001842302. It is stated that the entire loan amount with interest has been repaid and when the petitioner went to collect the original property documents and loan clearance certificate being the widow of the deceased, the Bank directed her to obtain a Legal Heirship certificate. This petition is therefore filed for the said purpose. It is stated in the petition that the mother of the deceased predeceased the deceased. Apart from the petitioner the only other legal heir being a son Nikhil who has filed his consent affidavit, there is no impediment to grant the reliefs. It is also stated in the petition that the petitioner has made no other application to any District Court or District Delegate or to any High Court for Probate of any Will of the said deceased or for letter of administration with or without Will annexed thereto or for Succession Certificate to the property and credits of the deceased in the abovenamed.

6 In the circumstances, Heirship certificate be granted in favour of Asha Nagesh Pawar and Nikhil Nagesh Pawar.

7 The petition disposed.

8 All concerned to act on a copy of this order authenticated by Associate of the Court.

(K.R. SHRIRAM, J.)