

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

**MISCELLANEOUS PETITION NO.152 OF 2016**

Urmila Ambaprasad Dave .....Petitioner

V/s.

Ambaprasad Punjalal Dave ....Deceased

----

Ms. Soha Sudarshan Shirke for the petitioner.

----

**CORAM : K.R.SHRIRAM,J**

**DATE : 4<sup>th</sup> JANUARY, 2017**

**P.C.:-**

1           Accepted. The petitioner is the widow of the deceased and one of the legal heirs. The petitioner with the deceased has three children, two sons and a married daughter. The three children, who are the other legal heirs have consented. Hence, issuance of proclamation is dispensed with. Miscellaneous Petition is returnable forthwith and taken up for hearing and final disposal.

2           The petitioner seeks a Legal Heirship Certificate under Section 2 of Bombay Regulation VIII of 1827, in respect of one Ambaprasad Punjalal Dave, who is said to have died intestate on 18<sup>th</sup> May, 2015. A photocopy of his death certificate is annexed to the petition.

3           The names of the petitioner's widow, two sons and daughter is mentioned in paragraph 4 of the petition. The other legal heirs have consented to the grant of the Legal Heirship Certificate.

4           During his lifetime, the deceased was owner of immovable property being piece or parcels of land situated at Village Akshi, Taluka – Alibaug, District – Raigad as well as a plot of land situated in the District Kheda Kapadvanj, State of Gujarat. The petitioner states that after the death of the deceased, when the petitioner approached the concerned Revenue Authority for mutation of the land revenue records standing in the name of the deceased to her name being the widow of the deceased, the concerned Land Revenue Authorities informed the petitioner to produce the Legal Heirship Certificate issued by the competent Court of Law for mutation of land revenue records. The Legal Heirship Certificate is needed for the same.

5           It is stated in the petition that the petitioner has not made any other application for any heirship certificate or succession certificate or probate or letters of administration with or without will. Therefore, there is no impediment to the grant of relief.

6 In the circumstances, the petition is made absolute in terms of prayer clause – (a) which reads as under :

*“(a) That a Legal Heirship Certificate certifying that 1] Urmila Ambaprasad Dave (widow and petitioner herein above), 2] Jaysingh Ambaprasad Dave (son), 3] Digant Ambaprasad Dave (son) and 4] Rohini Samir Raw (married daughter) are the only heirs and legal representatives of the deceased under the provisions of Bombay Regulation Act VIII of 1827.”*

7 All concerned to act on a copy of this order duly authenticated by the Associate of this court.

**(K.R.SHRIRAM,J)**