

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

MISCELLANEOUS PETITION NO.41 OF 2022

Rajesh Ankushrao Tope & Anr. ...Petitioners

And

Ankushrao Raosaheb Tope ...Deceased

Mr. Rohan Mahadik a/w Ms. Shailja Patel and Ms. Rachana Karad i/
by The Juris Partners for Petitioners.

CORAM : R. I. CHAGLA, J.

DATED : 29th JULY, 2022.

P.C.

1. Heard learned counsel for the Petitioners.
2. By the present Petition, the Petitioners are seeking Legal Heirship Certificate under Section 2 of the Bombay Regulation Act, VIII of 1827, in respect of the deceased-Ankushrao Raosaheb Tope, who expired in the State of Tamil Nadu on 3rd April 2016. A copy of the death certificate is annexed at Exhibit-A to the Petition.
3. The Petitioners are the only surviving legal heirs of the deceased and their particulars are given in the tabular form in para 4 of the Petition. The widow of the deceased namely Sharda

Ankushrao Tope, expired on 1st August 2020. Copy of death certificate is annexed at Exhibit-B to the Petition.

4. It is stated in para 8 of the Petition that after the demise of the deceased, the Petitioners approached concerned Housing Societies as well as other concerned authorities for transferring the properties of the deceased in their names, being the son and married daughter of the deceased. The office bearers of the Housing Societies as well as other concerned authorities required the Petitioners to submit Legal Heirship Certificate issued by competent Court of law. The description of the properties are provided in para 7 of the Petition.

5. Considering that the Petitioners are the only surviving legal heirs of the deceased, there is no question of consent of any other legal heir required in the present case.

6. No other Petition for Heirship Certificate, Succession Certificate, Probate or Letters of Administration with or without will annexed has been filed. There is no impediment to the grant of relief.

7. The Petition is accepted and made absolute in terms of prayer clause (a) which read thus:-

“(a). That a Legal Heirship Certificate be issued under the provision of Bombay Regulation Act VIII of 1827 Certifying that (1) Rajesh Ankushrao Tope (Son and the Petitioner No.1 herein) and (2) Varsha Sangram Desai (Married Daughter and Petitioner No.2 herein), are the only heirs and Legal representatives of the deceased.”

8. Issuance of proclamation is dispensed with.
9. Miscellaneous Petition is accordingly disposed of. There shall be no order as to costs.
10. This order will be digitally signed by the Personal Assistant/Private Secretary of this Court. All concerned will act on production of a digitally signed copy of this order.

(R. I. CHAGLA, J.)