

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

MISCELLANEOUS PETITION NO.44 OF 2022

Raghunath Shankar Dharmadhikar ...Petitioner

And

Sunanda Raghunath Dharmadhikari ...Deceased

Mr. Akash Warang for Petitioner.

CORAM : R. I. CHAGLA, J.

DATED : 29th JULY, 2022.

P.C.

1. Heard learned counsel for the Petitioner.
2. By the present Petition, the Petitioner seeks a Legal Heirship Certificate under Section 2 of the Bombay Regulation Act, VIII of 1827, in respect of the deceased-Sunanda Raghunath Dharmadhikari, who expired in Mumbai on 24th October 2020. A copy of the death certificate is annexed at Exhibit-A to the Petition.
3. The Petitioner is the only surviving legal heir of the deceased, being the husband of the deceased. The particulars of the Petitioner are mentioned in the tabular form in para 6 of the Petition. Save and except the Petitioner, there are no other legal

heirs surviving of the deceased.

4. It is stated in para 13 and 17 of the Petition that the Legal Heirship Certificate is required by the Petitioner to obtain rights to the residential flats which belonging to the deceased and particulars of which are mentioned in para 13 of the Petition as well as the documents pertaining to the said flat including maintenance bill, rent receipt and allotment letter as well as electricity bill and share certificates which have been annexed to the Petition.

5. The Petitioner, being the only surviving legal heir of the deceased, there is no question of consent of any other heirs required.

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). This Hon’ble Court be pleased to condone the delay in filing present Petition, if any.”

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.)