JITENDRA SHANKAR NIJASURE Digitally signed by JITENDRA SHANKAR NIJASURE Date: 2022.06.14 14:45:10 +0530

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

MISCELLANEOUS PETITION NO.110 OF 2022

Sameer Sudhir Phadke & Anr. …Petitioners

Versus

Gayatri Sameer Phadke @ Gayatri Gokhale …Deceased

Rushab Chopra i/b. Vidhi Partners for the Petitioners.

CORAM : R.I. CHAGLA J.

DATE : 10TH JUNE, 2022

ORDER :

1. 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 Gayatri Sameer Phadke @ Gayatri Gokhale who expired at Mumbai on 5th December, 2020. A copy of the death certificate is also annexed at Exhibit A to the Petition. The deceased was survived by the Petitioners, Petitioner No.1 being the husband of the deceased and Petitioner No2 being the daughter of the deceased. The particulars of which are mentioned in tabular form at paragraph 4 to the Petition. Save and except the legal

heirs mentioned in the tabular form at paragraph 4, the deceased left no other legal heirs and next of kins.

2. It is stated that Legal Heirship Certificate is required for transferring of the bank accounts, demat accounts, investments, PPF account and Insurance policies of the deceased as well as immovable properties of the deceased in the name of the Petitioners.

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

4. No other Petition for Legal Heirship Certificate, Succession Certificate, Probate or Letters of Administration with or without will annexed has been filed. Therefore, I do no find any impediment in granting the reliefs sought for in the present Petition.

5. In the circumstances, the Miscellaneous Petition is accepted and made absolute in terms of prayer Clause (a), which reads as under:

> *"(a) A Legal Heirship Certificate thereby certifying that the Petitioners viz. Sameer Sudhir Phadke and Neeraja Sameer Phadke are recognized as the legal heirs and representatives of Gayatri Sameer Phadke the deceased above named be granted."*

6. Proclamation is dispensed with.

7. Miscellaneous Petition is accordingly disposed of. No order as to costs.

[R.I. CHAGLA J.]