

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

MISCELLANEOUS PETITION NO. 31 OF 2022

R. Nagalakshmi alias Ramnathan
Nagalakshmi alias Ramanathan Nagalakshmi ... Deceased

And

Ramani Ramanathan S/o.
Ramalingam Ramanathan & Anr. ... Petitioners

Ms. P.M. Bhansali a/w Mr. Manoj Mane for the Petitioners.

CORAM : R.I. CHAGLA, J.

DATED : 29th APRIL, 2022.

ORDER :

1 By the present Petition, the Petitioners seeks a Legal Heirship Certificate under Section 2 of Bombay Regulation Act, VIII of 1827 in respect of the deceased Ramanathan Nagalakshmi who expired at Mumbai on 14.05.2015. A copy of the death certificate is annexed at Exhibit-A to the Petition. The deceased was survived by the five legal heirs and next of kins, the particulars of which are given in the tabular form at paragraph 4 of the Petition, namely the two sons who are the Petitioners and three married daughters. Save and except the legal heirs

mentioned in tabular form at paragraph 4, there are no other legal heirs or next of kins left by the deceased.

2 It is stated in paragraph 9 of the Petition that the Legal Heirship Certificate is required to produce before the MHADA for transfer of tenancy rights in respect to Tenement No.70, Aram Nagar Part-I, Near Jain Temple, 7 Bungalows, Andheri (W), Mumbai 400 061, in the names of the Petitioners.

3 There are consent affidavits filed by the other legal heirs of the deceased who are the married daughters of the deceased and which are at pages 20 to 28 of the Petition. By the consent affidavits the other legal heirs of the deceased have given their full and free consent for issuance of Legal Heirship Certificate of the deceased in favour of the Petitioners, without service of any proclamation upon them and without justifying any surety for their share in the property left by the deceased.

4 No other Petition for legal heirship certificate, succession certificate, probate or letters of administration with or without will annexed has been filed. I do not find any impediment in granting the relief sought for in the present Petition.

5 The Petition is accepted and made absolute in terms of prayer
clause (a) which reads thus :

“a. That a Legal Heirship Certificate be issued under the provision of Bombay Regulation Act VIII of 1827, Certifying that (1) Ramani Ramanathan S/o. Ramalingam Ramanathan (Son of the Deceased and Petitioner No.1 herein), (2) Sridhar Ramanathan S/o. Ramalingam Ramanathan (Son of the Deceased and the Petitioner No.2 herein), (3) Lalitha Venkatachalam (Married Daughter of the Deceased), (4) Padma Srinivasan (Married Daughter of the Deceased) and (5) Geeta Mani (Married Daughter of the Deceased) are the only heirs and Legal representative of the Deceased.”

6 Proclamation is dispensed with.

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

(R.I. CHAGLA, J.)

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