

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

MISCELLANEOUS PETITION NO. 128 OF 2022

Philona Pankaj Choudhary ... Petitioner

And

Pankaj Ishwar Choudhary ... Deceased

Mr. Nilesh V. Tirodkar for the Petitioner.

CORAM : R.I. CHAGLA, J.

DATED : 21st OCTOBER, 2022.

ORDER :

1 By the present Petition, the Petitioner seeks Legal Heirship Certificate under Section 2 of the Bombay Regulation Act VIII of 1827 in respect of the deceased Pankaj Ishwar Choudhary who expired at Mumbai on 20.05.2017. A copy of the death certificate is at Exhibit-A to the Petition. The deceased was survived by the Petitioner who is the daughter of the deceased and by the widow of the deceased. The particulars and relationship of the Petitioner with the deceased are mentioned in the tabular form at paragraph 4 of the Petition. Save and except these Legal Heirs of the deceased, there are no other legal heirs survived the deceased.

2 It is stated in the Petition that the deceased was the owner of the flat being flat No.A/402, Nirman Residency CHSL, Near Punjab National Bank, Rajmata Jijamata Road, Andheri (East), Mumbai 400 093, along with one allotted parking space. The Petitioner has stated that her mother who is widow of the deceased wishes to relinquish her share in the said flat in favour of the Petitioner being the daughter of the deceased. The Legal Heirship Certificate is required for transfer of the said flat.

3 The other legal heir i.e. widow of the deceased has filed consent affidavit which is at Exhibit-E to the Petition. She has given her full and free consent for the Legal Heirship Certificate to be granted to the Petitioner.

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 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 certifying that the Petitioner and persons in para No.4 mentioned herein

above is the only heirs and legal representative of the said deceased under the provision of Bombay Regulation Act, VIII of 1827.”

6 Proclamation is dispensed with.

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

(R.I. CHAGLA, J.)

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