

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

MISCELLANEOUS PETITION NO.47 OF 2022

Pratibha Amar Mhatre ...Petitioner
V/S
Amar Chandrakanth Mhatre ...Deceased

Mr. S. U. Lakdawala for Petitioner.

CORAM : R. I. CHAGLA, J.

DATED : 1st JULY, 2022.

P.C.

1. Heard learned counsel for the Petitioner.
2. By the present Petition, the Petitioner is seeking a Legal Heirship Certificate under Section 2 of Bombay Regulation VIII of 1827 in respect of one Amar Chandrakanth Mhatre alias Amar C. Mhatre alias Amar Mhatre Chandrakanth, who expired at Mumbai on 1st March 2021. A copy of his death certificate is annexed at Exhibit-A to the Petition. The Petitioner is the only surviving legal heir of the deceased. The particulars which is expressly mentioned in para 4 of the Petition.

3. It is stated in para 5 that the deceased is owner of property situated in Murbad which was acquired on lease from MIDC, pursuant to Agreement executed on 27th May 2011 and registered on 30th May 2011, bearing Registration No.1860-2011, before the Sub Registrar Office, Murbad by paying lumpsum premium to MIDC while entering the Transaction. The schedule with full description of properties standing in the name of deceased which Petitioner intends to apply for transferring is annexed to the Petition.

4. The Legal Heirship Certificate is required for the purpose of claiming the benefits accrued to the deceased.

5. Since the Petitioner is the only surviving heir, issuance of proclamation has been dispensed with. 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.

6. The Petition is accepted and made absolute in terms of prayer clause (a) in favour of the Petitioner.

7. Miscellaneous Petition is disposed of in the above terms.

No order as to costs.

8. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production of a digitally signed copy of this order.

(R. I. CHAGLA, J.)