

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

MISCELLANEOUS PETITION NO.228 OF 2022

Ravindra Sonba Lokhande

.. Petitioner

Rashmi Ravindra Lokhande

.. Deceased

Ms. Vinsha Acharya, with Mr. Saurabh Tamhankar and Mr. Aditya Rai, i/by
Mr. Divakar D. Rai, for the Petitioner.

CORAM : VALMIKI SA MENEZES, J.

DATE : 17TH NOVEMBER, 2022.

P.C. :

1. By this petition, the petitioner seeks issuance of Legal Heirship Certificate, under Section 2 of the Bombay Regulation VIII of 1872, in respect of Late Rashmi Ravindra Lokhande, who is said to have died intestate on 27th October 2019. A copy of her Death Certificate is annexed as Exhibit-A (page 15) to the petition. The deceased had a permanent place of abode at Bhandup (East), Mumbai.

2. The petitioner is the husband of the deceased, who states that the only surviving legal heirs of the deceased are the petitioner himself, i.e. husband of the deceased, and their two daughters, namely, Aditi Sayooj Kizhupully @ Aditi Ravindra Lokhande and Simran Ravindra Lokhande. The names of the legal heirs are specifically stated in the table at para 4 on page 2 of the petition. The petitioner has produced on record the Aadhaar Card of the

deceased, who was residing at Vikhroli (East), Mumbai. The petitioner has also produced his own Election Card and Aadhaar Card, which are annexed as Exhibits “F” and “F-1” to the petition. The daughters of the deceased, namely, Aditi and Simran, have filed a joint affidavit, which is at page 16 of the petition, recording the reason for issuance of Legal Heirship Certificate as at the behest of their father i.e. the petitioner herein. They have also recorded in their joint affidavit that besides the persons mentioned in para 4 of the petition, there are no other legal heirs who can compete as heirs to the estate of the deceased. Considering that the joint affidavit of the two daughters, namely, Aditi and Simran, is on record giving consent to the petitioner, proclamation is dispensed with.

3. The petitioner states that the Legal Heirship Certificate is required for the purpose of releasing original title documents and copy of the agreement lying with HDFC Bank, Mumbai in relation to the property described in Schedule-1 annexed as Exhibit-C (page 20) of the petition.

4. Considering the statements made in the petition and the documents produced on record, I find no impediment in granting Legal Heirship Certificate to the petitioner. Accordingly, the petition is made absolute in terms of prayer clause (A), which reads thus :-

“(A). This Hon’ble Court be pleased to issue a Legal Heirship Certificate to the petitioner under the provisions of Bombay Regulation VIII of 1827 certifying that the

petitioner along with his daughters mentioned in the above paragraph no.4 are the only heirs and legal representatives of the said deceased – Late Smt. Rashm Ravindra Lokhande.”

5. Registry to act upon this order and issue Legal Heirship Certificate to include all the heirs as detailed in the table at para 4 of the petition.
6. Miscellaneous Petition is disposed of in the above terms.

[VALMIKI SA MENEZES, J.]