

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

MISCELLANEOUS PETITION NO.222 OF 2022

Rasana Vijay Joshi @ Nilima Balkrishna Nene .. Petitioner

Balkrishna Trimbak Nene .. Deceased

Ms. Neha D. Nagotaneekar 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 Balkrishna Trimbak Nene, who is said to have died intestate on 25th December 1995. A copy of his Death Certificate is annexed as Exhibit-A (page 17) to the petition. It is further stated that the place of abode of the deceased is at Goregaon (West), Mumbai.

2. The petitioner states that the wife of the deceased, namely, Kalindi Balkrishna Nene, also passed away on 24th April 2017. Her Death Certificate is produced on record as Exhibit-B (page 14) to the petition. The petitioner claims that she is the only surviving heir to the estate of the deceased and there are no other competing heirs to the estate of the deceased. The parents

of the deceased are also predeceased and a statement to that effect is made in para 7 at page 2 of the petition. Accordingly, proclamation is dispensed with.

3. The petitioner claims issuance of Legal Heirship Certificate for the purpose of carrying out mutation entries in the Revenue Records of the property described in "Schedule-A" at page 8 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 is the only heir and legal representative of the deceased."

5. Registry to act upon this order and issue Legal Heirship Certificate to the petitioner.

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

[VALMIKI SA MENEZES, J.]