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

MISCELLANEOUS PETITION NO.108 OF 2022

Aishwarya Sachin Shenvi

...Petitioner

Versus

Uma Shankar Kadam @ Uma S. Kadam

...Deceased

Mr. S.U. Lakadawala with Mr. Vijay Badgujar for the Petitioner.

CORAM : R.I. CHAGLA J.

DATE : 10TH JUNE, 2022

ORDER :

1. By the present Petition, the Petitioner seeks a Legal Heirship Certificate under Section 2 of the Bombay Regulation Act VIII of 1827 in respect of the deceased Uma Shankar Kadam who expired at Mumbai on 8th July, 2020. A copy of the death certificate is also annexed at Exhibit A to the Petition. The deceased was survived by the Petitioner who is married daughter of the deceased as well as another married daughter and two daughters of the deceased. The particulars of which are mentioned in tabular form at paragraph 4. Save and except the legal heirs mentioned in the tabular form at

paragraph 4, the deceased left no other legal heirs and next of kins.

2. It is stated in Paragraph 5 of the Petition that, the Petitioner intends to apply for claiming the amount towards pension arrears which the deceased is entitled to and for which the Legal Heirship Certificate is required.

3. The other legal heirs of the deceased filed Consent Affidavits giving their free and full consent for the Legal Heirship Certificate be granted to the Petitioner without service of proclamation of the above proceedings upon them and justifying the surety in the estate of 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. Therefore, I do not find any impediment in granting the reliefs sought for in the present Petition.

5. In the circumstances, the Miscellaneous Petition is accepted and made absolute in terms of prayer Clause (a), which reads as under:

“(a) the certificate of Heirship thereby certifying the Petitioner along with heirs mentioned in para 4 of the Petition be and are recognized as heirs of the deceased Uma Shankar Kadam, in the form of the Bombay Regulation VIII of 1827 be granted to and in favour of the Petitioner.”

6. Proclamation is dispensed with.

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

[R.I. CHAGLA J.]