

Sharayu Khot.

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

MISCELLANEOUS PETITION NO. 76 OF 2022

Kalpana Rajesh Kalvankar

...Petitioner

And

Smt. Aruna Rajesh Kalvankar

...Deceased

Mr. Swapnil Kadam i/by Sachin S. Gangan and Minal S. Gangan for
the Petitioner.

CORAM : R.I. CHAGLA J

DATE : 26 August 2022

ORDER :

1. By the present Petition, the Petitioner seeks a Legal Heirship Certificate under Section 2 of Bombay Regulation VIII of 1827 in respect of the deceased Aruna Rajesh Kalvankar, who expired in Mumbai on 25th October 2019. A copy of her death certificate is annexed at Exh.A to the Petition.

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2. The deceased was survived by the Petitioner who is the daughter of the deceased, another married daughter and one son of

the deceased whose particulars are given in the tabular form at paragraph 4 of the Petition. Save and except the legal heirs mentioned in tabular form, there are no other legal heirs surviving the deceased.

3. It is stated in paragraph 9 of the Petition that the Legal Heirship Certificate is required in respect of the MHADA property owned by the deceased. The Legal Heirship Certificate is required to be produced before the MHADA and other Government authorities as well as semi Government bodies.

4. The other heirs of the deceased have filed their Consent Affidavits, both dated 6th February 2021. By the Consent Affidavits, they have given their full and free consent to grant the Legal Heirship Certificate in favour of the Petitioner without justifying their shares in the Will of the deceased.

5. No other Petition for a 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 in the present Petition.

6. The Petition is accepted and 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 provision of Bombay Regulation VIII of 1827 certifying that the Petitioner along with the heirs mentioned above in para 4 are the only heirs and legal representatives of the said deceased.”

7. Proclamation is dispensed with.
8. Miscellaneous Petition is accordingly disposed of.
9. No order as to costs.

[R.I. CHAGLA J.]