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

MISCELLANEOUS PETITION NO.26 OF 2022

Chanda Suresh Ladhani

...Petitioner

Versus

Suresh Kantilal Ladhani

...Deceased

Mr. Kunal Dwarkadas and Ms. Raveena Kinkhabwala i/b. Kanga and
Company for the Petitioner.

CORAM : R.I. CHAGLA J.

DATE : 16TH 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 Suresh Kantilal Ladhani who expired at Mumbai on 3rd May, 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 the widow, his son and daughter as well as the mother of the deceased. The particulars of which are mentioned in tabular form at paragraph 5. Save and except the legal

heirs mentioned in the tabular form at paragraph 5 the deceased left no other legal heirs and next of kins.

2. It is stated in the Petition that the Legal Heirship Certificate is required in favour of the Petitioner along with the other legal heirs for recognizing them as Legal Heirs of the deceased and for various purposes. There are schedule of assets at Exhibit B to the Petition, wherein various movable and immovable properties are mentioned and for which steps are required to be taken by the Petitioner as well as the other heirs of the deceased and for which the Legal Heirship Certificate is required.

3. The other heirs of the deceased have filed their Consent Affidavits dated 22nd November, 2021 which are on record and by which they have given full and free consent for grant of Legal Heirship Certificate in favour of the Petitioner without service of any notice or citation upon them.

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) an Heirship Certificate be issue certifying that the Petitioner along with the other persons whose names are set out in the table in paragraph 5 above are the only heirs of the deceased under the provisions of the Bombay Regulation VIII of 1827.”

6. Proclamation is dispensed with.

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

[R.I. CHAGLA J.]