

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

MISCELLANEOUS PETITION NO.224 OF 2022

Shridevi Hanumantha Kavadi

.. Petitioner

Yellamadevi @ Babamma Hanumantha

Kavadi @ Yellamma Devi

.. Deceased

Mr. Akshay R. Pai, i/by Ms. Bina R. Pai, for the Petitioner.

CORAM : VALMIKI SA MENEZES, J.

DATE : 17TH NOVEMBER, 2022.

P.C. :

1. Leave granted to the petitioner to amend prayer clause (a) of the petition. Amendment to be carried out forthwith. Re-verification is dispensed with.

2. 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 Yellamadevi @ Babamma Hanumantha Kavadi @ Yellamma Devi, who is said to have died intestate on 27th April 2020. A copy of her Death Certificate is annexed as Exhibit-A (page 11) to the petition. It is further stated that the place of abode of the deceased is at Bandra (East), Mumbai.

3. The petitioner claims to be the sole heir of the deceased and states that

there are no competing heirs to the estate of the deceased. She has produced on record her Birth Certificate, annexed at Exhibit-E (page 12) to the petition; her School Leaving Certificate, annexed at Exhibit-C (page 13) and; her Aadhaar Card, annexed at Exhibit-D (page 14) to the petition. The petitioner has made statements in paras 2 and 2A of the petition to the effect that the deceased was of "Devdasi" community and that her father was not known. In this situation, she claims to be the only heir of the deceased. Considering the fact that the petitioner claims to be the only heir of the deceased, there is no question of issuing proclamation, as required under the Bombay Regulation VIII of 1872.

4. The petitioner claims issuance of Legal Heirship Certificate for the purpose of establishing her entitlement to the employment benefits and other dues of the deceased as the surviving heir.

5. Considering the averments 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 grant the Heirship Certificate in favour of the petitioner in the form of Annexure-B of Bombay Regulation Act VIII of 1827 certifying that the petitioner is the sole heir and legal representative of Yellamadevi @ Babamma Hanumantha Kavadi."

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

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

[VALMIKI SA MENEZES, J.]