

Sharayu Khot.

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

MISCELLANEOUS PETITION NO. 42 OF 2022

Aruna Rajesh Vesmaker

...Petitioner

And

Harsh Rajesh Vesmaker

...Deceased

Mr. Sanjeev S. Hariakar for the Petitioner.

CORAM : R.I. CHAGLA J

DATE : 26 August 2022

ORDER :

1. By the present Petition, the Petitioner seeks an Legal Heirship Certificate under Section 2 of Bombay Regulation VIII of 1827 in respect of the deceased Harsh Rajesh Vesmaker, who expired in Mumbai on 27th November 2019. A copy of her death certificate is annexed at Exh.A to the Petition.

2. The deceased was survived by the Petitioner who is the mother of deceased and the only surviving legal heir.

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

4. It is stated in paragraph 7 of the Petition that the Legal Heirship Certificate is required for transferring the MHADA property of the deceased in the name of the Petitioner. Particulars of the property have been mentioned in paragraph 7 of the Petition, for which transfer required permission of the concerned Authority.

5. Considering that the Petitioner is the only surviving heir of the deceased, there is no question of consent of any other heirs being required in the present case.

6. 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.

7. The Petition is accepted and made absolute in terms of prayer clause (a), which reads thus:-

“(a) The Legal Heir ship Certificate certifying that the Petitioner mentioned herein above is the only legal heirs & representative in respect of the estate of the deceased.”

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

[R.I. CHAGLA J.]