

K.S. Jadhav

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

MISCELLANEOUS PETITION NO. 153 of 2022

Vanita Jayaprakash Poonja

...Petitioner

Versus

Sumati Narayan Sheety

...Deceased

Ms. Ketki Gadkari, Advocate for the Petitioner.

CORAM : R.I. CHAGLA, J.

DATE : 16th November, 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 Sumati Narayan Shetty, who expired at Begaluru, Karnataka on 14th December, 2021. The copy of the Death Certificate is annexed at Exhibit-A to the Petition.

2. The deceased was survived by the Petitioners, Petitioner No.1 being married daughter of the deceased and Petitioner No.2

being the son of the deceased. The husband of the deceased pre-deceased of the deceased. Save and except the Petitioners who are legal heirs of the deceased and described in the tabular form at Paragraph 4 of the Petition, there are no other legal heirs surviving the deceased.

3. It is stated in Paragraph 7 of the Petition that the Legal Heirship Certificate is required for transfer of immovable properties standing in the name of the deceased to the names of the Petitioners.

4. Considering that the Petitioners are the only surviving legal heirs of the deceased, there is no question of consent of any one else being required in the present case.

5. 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 relief sought for in the present Petition.

6. In these circumstances, the Petition is accepted and made absolute in terms of prayer clause (a), which reads thus:-

“(a) That a Legal Heirship Certificate be issued under the provision of Bombay Regulation Act VIII of 1827, certifying that (1) Vanita Jayaprakash Poonja (Married Daughter of the Deceased and the Petitioner No.1 herein) and (2) Chandrashekar Narayan Shetty (Son of the Deceased and the Petitioner No.2 herein), are the only heirs and Legal Representative of the Deceased abovenamed”

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

[R.I. CHAGLA, J.]