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

MISCELLANEOUS PETITION NO.122 OF 2022

Prakash Dinkar Desai

...Petitioner

Versus

Padmaja Prakash Desai

...Deceased

Mansi Shah i/b. M/s. Pravin Mehta and Mithi and Co. for the
Petitioner.

CORAM : R.I. CHAGLA J.

DATE : 15TH SEPTEMBER, 2022

ORDER :

1. By this present Petition, the Petitioner seeks Legal Heirship Certificate under Section 2 of the Bombay Regulation Act, VIII of 1827 in respect of the deceased Padmaja Prakash Desai. A copy of the death certificate is annexed at Exhibit 'A' to the Petition. The deceased was survived by the Petitioner and one son and one unmarried daughter of the deceased mentioned in the tabular form at paragraph 4 of the Petition. Save and except those mentioned therein, there are no other legal heirs surviving the deceased.

2. It is stated in paragraph 10 of the Petition that the Legal Heirship Certificate is required to be produced before the concerned Revenue Authorities viz. Tehsildar, Talathi, Director Land Records and Deputy Director for mutating the names of the legal heirs of the deceased in respect of agricultural land described therein.

3. The other legal heirs of the deceased have filed consent affidavits dated 9th April, 2022 wherein they have given their full and free consent for issuance of legal heirship certificate in favour of the Petitioner without serving proclamation 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. The Petition is accepted and allowed 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) Prakash Dinkar

Desai (husband and Petitioner herein), (2) Prasanna Prakash Desai (Son) and (3) Swapna Prakash Desai (Unmarried daughter) are the only legal heirs and legal representatives of the deceased abovenamed.”

6. Proclamation is dispensed with.
7. The Petition is accordingly disposed of. No order as to costs.

[R.I. CHAGLA J.]