

K.S. Jadhav

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

MISCELLANEOUS PETITION NO. 218 of 2022

Swati Sudarshan Rao

...Petitioner

Versus

Shrirang Sudarshan Rao

...Deceased

Mr. Vinod Tayade, Advocate for the Petitioner.

CORAM : R.I. CHAGLA, J.

DATE : 10th November, 2022.

ORDER :

1. By the present petition, the Petitioner seeks a Legal Heirship Certificate under Section 2 of the Bombay Regulation VIII of 1827 in respect of the deceased Shrirang Sudarshan Rao, who expired at Gurgaon, Himachal Pradesh on 1st November, 2020. The copy of the Death Certificate is annexed at Exhibit-A to the Petition.

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

particulars of whom are given in the tabular form at paragraph 4 of the Petition.

3. It is stated in Paragraph 10 of the Petition that Legal Heirship Certificate is required by the Petitioner to be produced before the concerned authorities of Axis Bank Limited for collecting the original documents in respect of Home Loan Agreement taken by the deceased as well as to be produced before the office bearers of Anita Building No.8 Co-operative Housing Society Limited, Lokhandwala Complex, Akruli Road, Kandivali East, Mumbai. The Legal Heirship Certificate is required for transfer of Flat No.103 situated in the said building alongwith the Share Certificate, the particulars have been mentioned in Paragraph 10 of the Petition.

4. Considering that the Petitioner is only surviving legal heir of the deceased, there is no question of consent of any other heir 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.

- i) 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 Swati Sudarshan Rao, (The Mother of the deceased and Petitioner herein), is the only heir and Legal representative of the deceased abovenamed.”

- ii) Proclamation is dispensed with.
- iii) Miscellaneous Petition is accordingly disposed of.
- iv) No order as to costs.

[R.I. CHAGLA J.]