

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

MISCELLANEOUS PETITION NO. 234 OF 2022

Shyamsundar Dattatray Samant & Anr. ... Petitioners

And

Shreya Shyamsundar Samant ... Deceased

Mr. Aakash Joshi a/w Ms. Pratiksha Thakur for the Petitioners.

CORAM : R.I. CHAGLA, J.

DATED : 13th OCTOBER, 2022.

ORDER :

1 By the present Petition, the Petitioners are seeking Legal Heirship Certificate under Section 2 of the Bombay Regulation Act VIII of 1827 in respect of the deceased Shreya Shyamsundar Samant who expired at Mumbai on 21.12.2021. A copy of her death certificate is at Exhibit-A to the Petition. The deceased was survived by the Petitioners who are the only surviving legal heirs of the deceased. Petitioner No.1 is the widower of the deceased and Petitioner No.2 is the son of the deceased. The particulars and relationship of the Petitioners with the deceased are mentioned in the tabular form at paragraph 4 of the Petition.

2 In paragraph 14 of the Petition it is stated that the Legal Heirship Certificate is required to be produced before the City & Industrial Development Corporation Maharashtra, Limited, (CIDCO) for the purpose of transfer of the flat bearing Room No.0106, Building No.L02, Plot No.63, Sector 12, Dronagiri, Navi Mumbai, in the name of the Petitioners.

3 Considering that the Petitioners are the only legal heirs surviving the deceased, there is no question of consent of other legal heirs being required in the present case.

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 relief sought for in the present Petition.

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

“(a) “This Hon’ble Court be pleased to issue a Legal Heirship Certificate to the Petitioners under the provision of Bombay Regulation VIII of 1827 certifying that Shyamsundar Dattatray Samant and Shubham Shyamsundar Samant - being the only heirs of the said deceased abovenamed.”

6 Proclamation is dispensed with.

7 Miscellaneous Petition is accordingly disposed of. No order as to costs.

WAISHALI
SUSHIL
WAGHMARE
Digitally
signed by
WAISHALI
SUSHIL
WAGHMARE
Date:
2022.10.18
10:25:48
+0530

(R.I. CHAGLA, J.)