

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

MISCELLANEOUS PETITION NO.214 OF 2022

Neelam Vijay Kelaskar @ Neelam

Pandurang Nagvekar

.. Petitioner

Pandurang Shivram Nagvekar

.. Deceased

Mrs. Sujata R. Babar for the Petitioner.

CORAM : VALMIKI SA MENEZES, J.

DATE : 17TH NOVEMBER, 2022.

P.C. :

1. By this petition, the petitioner seeks issuance of Legal Heirship Certificate, under Section 2 of the Bombay Regulation VIII of 1872, in respect of Late Pandurang Shivram Nagvekar, who is said to have died intestate on 15th July 2019. A copy of his Death Certificate is annexed as Exhibit-A (page 18) to the petition. The place of abode of the deceased was at Dadar (West), Mumbai.

2. The petitioner, who is the daughter of the deceased, states that the wife of the deceased – Jaywanti expired on 19th November 2020, as stated in para 4 of the petition, and that the only surviving legal heirs of the deceased are the one listed in the table at para 4 on page 3 of the petition, wherein the names of the petitioner herself and the other daughters and sons of the deceased, namely, Pooja Pramod Parulekar @ Suvarna Pandurang Nagvekar,

Trupti Nitin Daripkar @ Manda Pandurang Nagvekar, Vidya Milind Rumde @ Vidya Pandurang Nagvekar, Uday Pandurang Nagvekar and Prakash Pandurang Nagvekar are listed at serial nos.1 to 6.

3. The petitioner has produced on record consent affidavits of Pooja, Trupti, Vidya, Uday and Prakash, which are annexed at pages 22, 26, 30, 34 and 38, respectively, of the petition. In all these consent affidavits, the heirs have specifically stated that they have no objection to the Legal Heirship Certificate being granted to the petitioner, showing them as heirs in the estate of the deceased. Considering that the consent affidavits have been produced on record in relation to all the heirs, proclamation is dispensed with.

4. It is also stated that the deceased passed away intestate, without leaving any Will. It is further stated in para 9 of the petition that the Heirship Certificate is required for producing before the concerned authority, i.e. MHADA and other competent authority, for effecting transfer of the property of the deceased in the name of the surviving heirs, whose names are listed in the table at para 4 on page 3 of the petition.

5. Considering all the above facts and the documents produced on record, I find no impediment in granting Legal Heirship Certificate to the petitioner. Accordingly, the petition is made absolute in terms of prayer clause (a), which reads thus :-

“(a). That Legal Heirship Certificate be issued certifying that the petitioner, her three sisters and two brothers are the only heirs and legal representatives of the deceased under the provisions of Bombay Regulation Act VIII of 1827. Details are mentioned in para no.8.”

6. Registry to act upon this order and issue Legal Heirship Certificate to include all the heirs as detailed in the table at para 4 of the petition.
7. Miscellaneous Petition is disposed of in the above terms.

[VALMIKI SA MENEZES, J.]