

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 175 OF 2022**

Sandeep Kashinath Tipnis and Anr. ... Petitioners

Suchitra Sandeep Tipnis (Deceased) ... Respondent

Ms. Sangeeta S. Godse for the Petitioner.

CORAM : VALMIKI SA MENEZES, J.

DATED : NOVEMBER 16 , 2022.

P.C. :

1. The Petitioner seeks a Legal Heirship Certificate under section 2 of Bombay Regulation VIII of 1827 in respect of deceased Suchitra Sandeep Tipnis, who passed away on 6th May 2021. A copy of her death certificate is at “Exhibit-A” to the Petition. At the time of her death she was residing at A-305, Vrindavan, Veer Makarand Ghanekar Marg, Vile Parle (East), Mumbai-400 057 along with her husband-petitioner no.1. The only child of the deceased, daughter – Sanchita Sandeep Tipnis who is the other heirs resides in U.S.A., as she has gone there for further studies. The Aadhar Cards of the heirs are produced at Exhibits–C and D respectively to the petition as a proof of their residents.

2. It is a case of the petitioner that they are only legal heirs of the deceased, the parents of the deceased have pre-deceased and

statement to that effect has been made in Paragraph 4 of the petition. The reasons stated by the petitioner for requiring a Legal Heirship Certificate are stated in Paragraph 8 of the Petition namely, that the petitioner is required to be produced before (1) Shakun CHS Ltd, Shahaji Raje Road, Vile Parle (East), Mumbai – 400 057, (2) M/s. Prithvi Enterprises and (3) Concerned Government and Semi Government Authorities, in order to take the possession of Flat No. : A-203, 2nd floor, Shahaji Raje Marg, Vile Parle (East), Mumbai-400 057 and also to transfer the said new flat in the joint names of the petitioners who are legal heirs of the deceased.

2. As the petitioners are the only legal heirs of the deceased, the proclamation is dispensed with. The deceased is said to have passed away intestate.

3. Considering all the above facts there is no impediment to the grant of relief.

4. The Petition is made absolute in terms of prayer clause (a) in favour of the petitioner, which is reproduced hereunder :

“ That a Legal Heirship Certificate be issued under the provision of Bombay Regulation Act VIII of 1827, certifying that (1) Sandeep Kashinath Tipnis (the Husband of the Deceased abovenamed and the Petitioner No.1 herein) and (2) Sanchita Sandeep Tipnis (the Daughter of the Deceased abovenamed and

the Petitioner No.2 herein), are the only heirs and Legal Representative of the deceased abovenamed”

5. Registry to act upon this order and issue Legal Heirship Certificate.

(VALMIKI SA MENEZES, J)