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

MISCELLANEOUS PETITION NO.138 OF 2022

Deepal Deval Joshi

...Petitioner

Versus

Pushpa Mahendra Daftary

...Deceased

Ms. Kavita A. Shah for the Petitioner.

CORAM : R.I. CHAGLA J.

DATE : 5TH AUGUST, 2022

ORDER :

1. By the present Petition, the Petitioner seeks a Legal Heirship Certificate under Section 2 of the Bombay Regulation Act VIII of 1827 in respect of the deceased Pushpa Mahendra Daftary who expired at Ahmedabad, Gujarat on 1st August, 2020. A copy of death certificate is also annexed at Exhibit 'A' to the Petition. The deceased was survived by her legal heirs and legal representatives mentioned in tabular form at paragraph 4 of the Petition. This included the Petitioner as the married daughter of the deceased and one son and daughter of the deceased mentioned at Sr.Nos.1 to 3 of

the tabular form at paragraph 4 of the Petition. The deceased left no other heirs save and except those mentioned in the tabular form at paragraph 4 of the Petition.

2. It is stated in paragraphs 5 and 6 of the Petition that, the deceased had left immovable property in Mumbai which is described in paragraph 5 of the Petition and the Petitioner has sought inclusion of the names of the legal heirs of the deceased in the records of MHADA and the Society and for which MHADA, informed the Petitioner that the Legal Heirship Certificate is required for inclusion / transmission of the names of the legal heirs of the deceased in respect of the immovable property of the deceased.

3. The other legal heirs of the deceased have filed their Consent Affidavits giving their full and free consent to the grant of Legal Heirship Certificate to include the names of the legal heirs of the deceased, without justifying surety for their share and that they have no objection to the said Petition being granted.

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. In view thereof, the Petition is accepted and allowed in terms of prayer clause (a), which reads thus:-

“(a) That a Legal Heirship Certificate be issued certifying that (1) Sujata Mahendra Daftary, the daughter of the deceased (2) Ashish Mahendra Daftary, the son of the deceased and (3) Deepal Deval Joshi, the married daughter of the deceased i.e. the Petitioner herein are the only heirs and legal representatives of the deceased under the provision of the Bombay Regulation Act VIII of 1827.”

6. The proclamation is dispensed with.

7. The Miscellaneous Petition is disposed of accordingly.

[R.I. CHAGLA J.]