

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

MISCELLANEOUS PETITION NO.192 OF 2022

1. Narayan Dinkar Murumkar
2. Pandurang Dinkar Murumkar .. Petitioners

Haribai Dinkar Murumkar .. *Deceased*

Mrs. Sujata R. Babar for the Petitioners.

CORAM : VALMIKI SA MENEZES, J.

DATE : 17TH NOVEMBER, 2022.

P.C. :

1. Petitioners seeks leave to amend the petition to incorporate the facts regarding permanent place of abode of the petitioners within the city of Mumbai. Leave granted to the petitioners to annex a photocopy of the Ration Card of the deceased - Haribai Dinkar Murumkar to disclose the permanent residence of the petitioners. The copy of the ration card, along with its translation, tendered in court is taken on record and marked as Exhibit-E to the petition.

2. By this petition, the petitioners seek issuance of Legal Heirship Certificate, under Section 2 of the Bombay Regulation VIII of 1872, in respect of Late Haribai Dinkar Murumkar, who is said to have died intestate on 29th June 2021. A copy of her Death Certificate is annexed as Exhibit-A to the petition.

3. From the statements made in the petition and on the basis of the ration card of the deceased produced on record, it appears that the deceased was resident of Byculla, Mumbai. According to the petitioners, the deceased is survived by the heirs as listed in the table at para 4 of the petition; they being two sons i.e. petitioners herein, namely, Narayan and Pandurang, and two daughters, namely, Asha and Mangal. The Aadhaar Cards of the petitioners, who are the two sons of the deceased, have been produced on record at Exhibits "C" and "C-1", respectively. The consent affidavits of the daughters of the deceased Asha Dinkar Murumkar and Mangal Rajendra Bhosale @ Mangal Dinkar Murumkar have been produced on record at pages 21 and 24, respectively, to the petition. Both the consent affidavits specifically record no objection of the daughters of the deceased in granting Legal Heirship Certificate, which includes their names as heirs of the deceased.

4. The purpose for which this petition has been filed is stated in para 8 thereof, namely, that the petitioners and their two sisters are entitled to have interest in the property described in para 8 being transferred to their names, for which they require Legal Heirship Certificate to be produced before the MHADA and other competent authorities for effecting transfer. Considering that the two sisters, who are heirs to the estate of the deceased, have given their consent by way of filing affidavits-of-consent, the proclamation is dispensed with.

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

“(a). That Legal Heirship Certificate be issued certifying that the petitioners and their two sisters are the only heirs and legal representatives of the deceased under the provisions of Bombay Regulation Act VIII of 1827.”

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.]