

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

MISCELLANEOUS PETITION NO.166 OF 2022

Mr. Krishnan Kesavaier ...Petitioner

And

Mrs. Radha Gurumurthi ...Deceased

Mr. Yakshay Chheda a/w. Ms. Chitra Rentara and Mr. Pranay Kamdar i/by SSB Legal and Advisory for Petitioner.

CORAM : R. I. CHAGLA, J.

DATED : 29th JULY, 2022.

P.C.

1. Heard learned counsel for the Petitioner.
2. 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-Radha Gurumurthi, who expired in Mumbai on 16th March 2022. A copy of the death certificate is annexed at Exhibit-A to the Petition.
3. The deceased was survived by the Petitioner, who is husband of the deceased and by daughter of the deceased. The particulars of the legal heirs of the deceased are set out in the tabular form in para 4 of the Petition. Save and accept the

aforementioned legal heirs of the deceased, there are no other legal heirs surviving of the deceased.

4. It is stated in para 9 and 10 of the Petition that the deceased during her lifetime owned the properties mentioned in para 9 of the Petition and annexed at Exhibit-D to the Schedule of property of the deceased.

5. In para 10, it is stated that the Legal Heirship Certificate is being sought by the Petitioner for declaring the Petitioner and the daughter of the Petitioner, Rukmani Krishnan as the only legal heirs of the deceased to submit the same before the concerned authorities as required.

6. The other legal heir of the deceased, namely Rukmani Krishnan, daughter of the deceased, has filed Consent Affidavit dated 24th June 2022, giving full and free consent in favour of the Petitioner for filing the captioned Petition and for grant of Legal Heirship Certificate in favour of the Petitioner without service of citation/notice upon her.

7. No other Petition for Heirship Certificate, Succession Certificate, Probate or Letters of Administration with or without will

annexed has been filed. There is no impediment to the grant of relief.

8. The Petition is accepted and made absolute in terms of prayer clause (a) which read thus:-

“(a). That this Hon’ble High Court be pleased to issue a legal heirship certificate to the Petitioner and Rukmani Krishnan under the provisions of Bombay Regulation VIII of 1827 certifying that the Petitioner and Rukmani Krishnan are the only heirs and legal representatives of the said deceased;”

9. Issuance of proclamation is dispensed with.

10. Miscellaneous Petition is accordingly disposed of. There shall be no order as to costs.

11. This order will be digitally signed by the Personal Assistant/Private Secretary of this Court. All concerned will act on production of a digitally signed copy of this order.

(R. I. CHAGLA, J.)