

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 185 OF 2022

N.V. Sri Bashyam @ Sri Bashyam ... Vijayaraghavan (Deceased)	Respondent
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Mr. Pradip R. Kadam for the petitioners.

DATED : NOVEMBER 16 , 2022.

Leave granted to the learned counsel for petitioner to amend the name of the petitioner no.1 Lata Mangesh S. in the cause title which has wrongly been typed as “Lata Mangesh S.” and the same is to be read as “Lata Mangesh”. Amendment be carried out forthwith. Re-verification is dispensed with.

2. This is an application filed for issuance of Legal Heirship Certificate under section 2 of Bombay Regulation VIII of 1827 in respect of deceased N.V. Sri Bashyam @ Sri Bashyam Vijayaraghavan who expired intestate on 3rd July 2021 at Chembur, Mumbai. A copy of his death certificate is at “Exhibit-A” to the Petition.

3. The petitioner's case is that the deceased was survived by

his widow- the petitioner no.1, his son- petitioner no.2, his un-married daughter – petitioner no.3 and his mother Mrs. Bhama Srinivasan. All heirs are residing at C/204, Veena Serenity, Sahakar Nagar, Road No.3, Thakkar Bappa Colony Road, Chembur (East), Mumbai-400 071. It is further stated that the deceased died intestate and has an interest in the estate listed in the list annexed to the petition at pages 17 to 23. The list detail eight immovable properties situated in Mumbai and Tamil Nadu besides several movable properties including motor car and securities. Liabilities in the form of two loans are also specified in the list.

4. It is the case of the petitioners that they require the Legal Heirship Certificate for the purposes of effecting the change in the name of the deceased into their names as heirs. The mother of the deceased Mrs. Bhama Srinivasan, who is not a petitioner herein has given her consent to issuance of Legal Heirship Certificate in the name of all legal heirs, by filing a consent affidavit dated 10th August 2021, which is at page 46 to the petition. Since there is consent of all the legal heirs for issuance of Legal Heirship Certificate and the deceased has expired intestate, proclamation is dispensed with. There is no impediment to the grant of relief.

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

“ That the Heirship Certificate may be granted certifying that Mrs. Latha Mangesh as widow, Mr. sri Adithyaa S.

as son, Ms. Sri Aaishwaryaa S. as his daughter and Smt. Bhama Srinivasan as his mother and be pleased to declare as legal heirs and legal representatives of the deceased Mr. N.V. Sri Bashyam Elias Sri Bashyam Vijayaraghavan under the provision of the Bombay Regulation Act VII of 1827”

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

(VALMIKI SA MENEZES, J)