

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

MISCELLANEOUS PETITION NO. 196 OF 2021

Suchita Santosh Rane ... Petitioner

And

Santosh Kamalakar Rane ... Deceased

Ms. Kenny Thakkar i/b M/s. KVT Legal for the Petitioner.

CORAM : R.I. CHAGLA, J.

DATED : 21st JANUARY, 2022.

(V.C.)

ORDER :

1 By the present Petition, the Petitioner is seeking a legal heirship certificate under Section 2 of Bombay Regulation Act, VIII of 1827 in respect of the deceased Santosh Kamalakar Rane, who expired at Karnataka on 06.04.2020. A copy of the death certificate is annexed to the Petition. The deceased was survived by his mother, the Petitioner who is the widow of the deceased and one daughter of the deceased. The aforementioned legal heirs and next of kin of the Petitioner are mentioned in the tabular form at paragraph 4 of the Petition.

2 It is stated in the Petition that the deceased left no other legal heirs and representatives, save and except the persons mentioned in the tabular form at paragraph 4 of the Petition. It is stated that the legal heirship certificate is required in respect of the property and credits which the deceased died possessed of at the time of his death which is likely to come to the Petitioner and which are annexed at Exhibit-F to the Petition.

3 The other heirs of the deceased being the mother and daughter of the deceased have filed their consent affidavits dated 01.09.2021 by which they have given their full and free consent to the legal heirship certificate being granted to the Petitioner without service of any citation upon them and without any surety being justified in respect of their share in the estate of the deceased.

4 No other Petition for legal 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.

5 The Petition is accepted and made absolute in terms of prayer clause (a) which reads thus :

“a. That Heirship Certificate in the form of Appendix of the Bombay Regulation VIII of 1827 be granted to the Petitioner Suchita Santosh Rane declaring that the

Petitioner alongwith the legal heirs mentioned in para 4 of the Petition are the only legal heir of the Deceased Late Santosh Kamalakar Rane.”

6 Proclamation is dispensed with.

7 The Miscellaneous Petition is accordingly disposed of. No order as to costs.

(R.I. CHAGLA, J.)

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SUSHIL
WAGHMARE
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