

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 193 OF 2022**

Devyani Shrikant Khadilkar and Anr. ... Petitioners

Gurunath Krishnarao Samant ... Respondent
(deceased)

Mr. Shivaji Nirmale for the Petitioners.

CORAM : VALMIKI SA MENEZES, J.

DATED : NOVEMBER 16 , 2022.

P.C. :

1. The Petitioner seeks a Legal Heirship Certificate under section 2 of Bombay Regulation VIII of 1827 in respect of deceased Gurunath Krishnarao Samant, who expired intestate on 26th December 2021 at Thane (W), Mumbai. A copy of his death certificate is at “Exhibit-A, page-13” to the Petition. Aadhar Card of deceased is at “Exhibit-A1, page-14” to the petition, produced as proof of his permanent abode at Bhandup (W), Mumbai. It is further stated in the petition that the wife of the deceased Smt. Vrinda Gurunath Samant is pre-deceased on 15th October 2020. Her death certificate is produced at ‘Exhibit-B, page-15’ to the petition.

2. Petitioner nos. 1 and 2 are respectively daughter and son of the deceased and claim to be the only heirs of the deceased. Petitioners

produced their Aadhar Cards which is at page 20 and 21 respectively of the petition. According to them, the deceased passed away intestate and has left no other legal heirs except the petitioners.

3. The reason for which the present petition is filed, as stated at paragraph 6 of the petition is that the Petitioners require Legal Heirship Certificate for their record.

4. Considering that the petitioners are the only legal heirs to the estate of the deceased, proclamation is dispensed with. I find no impediment to the grant of relief sought by the petitioners.

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

“This Hon’ble Court be pleased to declare that the petitioners i.e. Mrs. Devyani Shrikant Khadilkar d/o Gurunath Samant and Surendra Gurunath Samant are the only heirs and legal representatives of Late Gurunath Krishanarao Samant under the provisions of Bombay Regulation VIII of 1827”

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

(VALMIKI SA MENEZES, J)