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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 198 OF 2022

Vishram Rajaram Kamtekar and 2 Ors. ... Petitioners

Lavu Rajaram Kamtekar (deceased) ... Respondent

Mr. Jaydeep A. Shringare for the Petitioners.

CORAM : VALMIKI SA MENEZES, J.

DATED : NOVEMBER 16, 2022.

P.C. :

1. The Petitioners seek a Legal Heirship Certificate under section 2 of Bombay Regulation VIII of 1827 in respect of deceased Lavu Rajaram Kamtekar who died intestate on 15th October 2021. A copy of his death certificate is at “Exhibit-A, page-15” to the Petition. Aadhar Card of deceased which is at “Exhibit-A1, page-16” of the petition as a proof of his abode at Apna Bazar Naigaon, 4/7, New BDD Chawl, Ground floor, V.Y. Dahivalkar Buva Marg, Dadar, Mumbai-400 014. The deceased has died intestate as stated in the petition.

2. The petitioner claims to be sole brother of the deceased, who is said to have died as a Bachelor at Mumbai. The petitioners are respectively brother and two sisters of the deceased and state that apart from the names recorded in the table at Paragraph-4 below of the petition that the deceased has no other legal heirs except the petitioners. The petitioners have produced their Aadhar Cards which

are at “Exhibit-B, C and D” of the petition.

3. The reasons stated in the petition for requiring issuance of the Legal Heirship Certificate are mentioned in the Paragraph 9 of the petition, i.e. for the purpose of using the Legal Heirship Certificate for claiming the property listed in the Schedule to the petition. The assets at Sr. No. 1, 2 and 3 of the list are in the form of money is due to the estate of the deceased and by Sr. No. 4 is the ownership rights, title and interest of the deceased which is described in the said schedule.

4. Considering the statements made in the petition that the petitioners are the only heirs, there is no question of recording consent of any persons and hence 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 petitioners, which is reproduced hereunder :

“That a Legal Heirship Certificate be issued under the provision of Bombay Regulation Act VIII of 1827, certifying that (1) Vishram Rajaram Kamtekar (the Brother of the Deceased and the Petitioner No.1 abovenamed), (2) Pushpalata Rajaram Kamtekar (the sister of the deceased and the Petitioner No.2 abovenamed) and (3) Prema Rajaram Kamtekar (the sister of the Deceased and Petitioner No.3 abovenamed), are the only heirs and Legal Representative of the Deceased abovenamed.”

6. Registry to act upon this order and issue Legal Heirship Certificate within four weeks from today.

(VALMIKI SA MENEZES, J)