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

MISCELLANEOUS PETITION NO.33 OF 2022

Manorama Ramnath Suvarna

...Petitioner

Versus

Ramnath Narayan Suvarna @ Ramnath N.
Suvarna

...Deceased

Ms. Seema Hunnurkar i/b. Seema Hunnurkar & Associates for the
Petitioner.

CORAM : R.I. CHAGLA J.

DATE : 10TH JUNE, 2022

ORDER :

1. 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 Ramnath Narayan Suvarna @ Ramnath N. Suvarna who expired at Mumbai on 19th September, 2020. A copy of the death certificate is also annexed at Exhibit A to the Petition. The deceased was survived by the Petitioner who is widow of the deceased and one son and a married daughter. The particulars of which are mentioned in tabular form at paragraph 4.

Save and except the legal heirs mentioned in the tabular form at paragraph 4 the deceased left no other legal heirs and next of kins.

2. It is stated that Legal Heirship Certificate is required for transferring of Flat bearing No.402, in a building known as Shri Jay Building, Jayraj Nagar, Borivali (W), Mumbai 400 091 which belong to the deceased. The Petitioner has made application with the developer / builder to transfer the said flat. However, the developer / builder orally requested the Petitioner to obtain Legal Heirship Certificate from this Court to the effect that the Petitioner as well as the other legal heirs are the legal heirs of the deceased.

3. The other legal heirs of the deceased mentioned in tabular form in paragraph 4 of the Petition have filed their Consent Affidavits dated 7th December, 2021, wherein they have given their free and full consent for the Legal Heirship Certificate to be granted in favour of the Petitioner without service of proclamation of the proceedings upon them and without any surety 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. Therefore, I do not find any impediment in granting the reliefs sought for in the present Petition.

5. In the circumstances, the Miscellaneous Petition is accepted and made absolute in terms of prayer Clause (a), which reads as under:

“(a) This Hon’ble Court be pleased to issue a Legal Heirship Certificate to the Petitioner under the provisions of Bombay Regulation VIII of 1827 certifying that the Petitioner, alongwith the heirs mentioned para no.4 herein above are the only legal representatives of the deceased.”

6. Proclamation is dispensed with.

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

[R.I. CHAGLA J.]