

jsn

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

MISCELLANEOUS PETITION NO.45 OF 2022

Neeta Mangesh Kamble

...Petitioner

Versus

Mangesh Pandharinath Kamble

...Deceased

Ms. Ankita Pathak for the Petitioner.

CORAM : R.I. CHAGLA J.

DATE : 16TH 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 Mangesh Pandharinath Kamble who expired at Mumbai on 29th June, 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 the widow of the deceased, the father of the deceased and three married sisters of the deceased. The particulars of the Petitioner and other legal heirs of the deceased 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 in Paragraph 5 of the Petition that, the deceased was working as Police Naik with Anti Narcotic Cell, Mumbai. The Petitioner after the demise of the deceased approached the office of the Additional Commissioner of Police, Crime, Mumbai for receiving the amount of service gratuity and other service benefits of the deceased. The Petitioner was informed that the legal heirship certificate is required to be issued by this competent Court of law. Accordingly the application for legal heirship is made.

3. The other legal heirs of the deceased have filed their consent affidavits which includes the consent affidavit of the father of the deceased dated 16th November, 2021 and the joint consent affidavit of the three married sisters of the deceased dated 6th December, 2021 by which they have given their full and free consent for issuance of the legal heirship certificate of the deceased in favour Petitioner without service of proclamation upon them and / or justifying the sureties for their respective shares in the amount of service gratuity 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) That a Legal Heirship Certificate be issued under the provision of Bombay Regulation Act, 1827 certifying that (1) Neeta Mangesh Kamble, (the widow of the deceased and the Petitioner herein), (2) Pandharinath Sadhu Kamble (the father of the deceased), (3) Shital Bharatbhushan Londe (the sister of the deceased) (4) Jayashri Jayasing Sonde (the sister of the deceased) and (5) Pramila Prashant Kamble (the sister of the deceased) are the only heirs and legal representatives of the deceased abovenamed.”

6. Proclamation is dispensed with.

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

[R.I. CHAGLA J.]