

Mr. Akash Warang A/w. Ms. Pradnya Kamble for the Petitioners.

DATED : NOVEMBER 18 , 2022.

The Petitioner seeks a Legal Heirship Certificate under section 2 of Bombay Regulation VIII of 1827 in respect of deceased Madhavi Shridhar Atitkar, who expired intestate on 13th September 2009. A copy of her death certificate is at “Exhibit-A3, page-28” of the Petition. At the time of her death, she was resided at 2/23, Shri Swami Samarth Kripa Building No. 2, Gokhale Road (N), Mumbai-400 28. The husband of the deceased was pre-deceased on 3rd April 1991. A copy of death certificate of husband of the deceased at “Exhibit-B, page 29” of the petition.

2. Three daughters of the deceased claim that they are the only legal heirs of the deceased as stated in Table at Paragraph-7, on page 5 of the petition. Since there are no other legal heirs, as claimed

by the petitioners, to succeed the estate of the petitioner, proclamation is dispensed with. The petitioners have also produced Election Card of the deceased which is at Exhibit – A2, page 27 of the petition as proof of abode, as also produced Pan Card of the deceased, which is at Exhibit-A1, Page 26 of the petition. As proof of their identity the petitioners have produced their Aadhar Cards, which are at Exhibit-C1, C2 and C3 from pages 30 to 32 of the petition. Petitioner no. 1 and 3 also produced their Pan Cards which are at page 33 and 34 respectively.

3. The reasons for requesting the Legal Heirship Certificate as stated in Paragraph no.13 of the petition are that the petitioners wish to produce the same before the Revenue Authorities being the Talathi and / or the Tahasildar, Murud, Taluka Murud, District-Raigad and or any other Talathi, Tahasildar, Sub-Divisional Officer or in any other proceedings pertaining to the land described in the Schedule at Exhibit-M, page 49 of the petition which is the list of Immovable properties, in which, the deceased is stated to be interested.

4. Considering the submissions made in the petition and the documents produced on record, I find no impediment to the grant of relief sought by the petitioners and to issue the Legal Heirship Certificate.

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

“ This Hon’ble Court be pleased to issue a Legal Heirship Certificate to the Petitioner Nos. 1, 2 and 3 under the provision of Bombay Regulation VIII of 1827 certifying that the Petitioner along with the heirs mentioned above in Para 4 are the only heirs and legal representatives of the said deceased.”

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

(VALMIKI SA MENEZES, J)