

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.147 OF 2023**

Vinayak Venkatesh Kamat ... Deceased

Vasudha Vinayak Kamat ... Petitioner

Ms. Juilee Ghadge for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 25TH APRIL 2023

P.C. :

1. The Petitioner seeks the grant of a Legal Heirship Certificate under the provisions of Section 2 of the Bombay Regulation VIII of 1827 in respect of one Vinayak Venkatesh Kamat ('the deceased'), who died in Mumbai on 14/11/2022. A copy of the death certificate is annexed to the Miscellaneous Petition. It is stated that despite due and diligent search, no Will of the deceased has been found. It is therefore assumed that the deceased died intestate.

2. The Petitioner is the only legal heir and next of kin of the deceased according to the Hindu Succession Act, 1956, by which the deceased was governed at the time of his death.

3. The reason, for which the Legal Heirship Certificate is required, is set out in paragraph 9 of the Miscellaneous Petition.

4. No other Petition for Legal Heirship Certificate, Succession Certificate, Probate or Letters of Administration with or without Will annexed has been filed. Therefore, there is no impediment in law to the grant of relief.

5. I have heard learned Counsel appearing on behalf of the Petitioner as well as perused the said Petition. I find that the same is in order and deserves to be allowed in the interest of justice.

6. The Miscellaneous Petition is therefore allowed in terms of prayer clauses (a) and (b), which read as under :-

“a) That a Legal Heirship Certificate be issued under the provision of Bombay Regulation Act VIII of 1827 Certifying that Vasudha Vinayak Kamat (Widow of the Deceased and the Petitioner herein), is the only heir and legal representative of the Deceased.

b) That issuance of Proclamation be dispensed with.”

7. The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same.

8. The Miscellaneous Petition is accordingly disposed of. There shall be no order as to costs.

(ARIF S. DOCTOR, J.)