

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 287 OF 2023**

Bibhash Bikash Banerjee ... Petitioner

Radhika Sen w/o. Bibhash Bikash Banerjee ... Deceased

Neveille Mukerjee, i/b. Veritas Legal for petitioner.

**CORAM : MANISH PITALE, J.
DATE : 01st SEPTEMBER, 2023**

P.C. :

. Heard learned counsel for the petitioner. By this petition, the petitioner is praying for issuance of Legal Heirship Certificate in his name, as being the only legal heir and legal representative of the deceased i.e. his wife, under the provisions of Bombay Regulation VIII of 1827.

2. The deceased was the wife of the petitioner and she died on 04.01.2022, there being no issue from the marriage. Copy of the death certificate is placed at Exhibit A to the petition. The petitioner has also placed on record copy of marriage certificate at Exhibit D, showing that the petitioner had married the deceased on 12.01.2014.

3. It is specifically stated in the petition at paragraph No.4 that the petitioner, being the husband, is the only surviving legal heir of the deceased. It is also stated in paragraph No. 2 that the said deceased, at the time of her death, had a fixed place of abode at I-303, The Trees, Pirojshanagar, Vikhroli (East), Mumbai-400 079.

4. It is also stated that the deceased did not execute any will and she died intestate.

5. The learned counsel for the petitioner invited attention to Sections 15 and 16 of the Hindu Succession Act, 1956, to impress upon this Court that by operation of law, only the petitioner, being the husband of the deceased, with no children, would be the legal heir of the deceased. This Court is convinced that the contention raised on behalf of the petitioner, is correct.

6. There is nothing to show that there is any petition filed, seeking probate of any will or for issuing letters of administration, in the context of the deceased. Therefore, proclamation is dispensed with.

7. In the light of the contentions raised on behalf of the petitioner and the material placed on record, this Court is of the opinion that the present petition can be allowed.

8. Accordingly, the petition is allowed in terms of prayer clause (A), which reads as follows:

“A) This Hon'ble Court be pleased to issue a Legal Heirship Certificate to the Petitioner under the provision of Bombay Regulation VIII of 1827 certifying that the Petitioner is the only heir and legal representative of the said Deceased;”

9. Office to take follow-up action expeditiously.

(MANISH PITALE, J.)