

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

MISC. PETITION NO.22 OF 2023

Vasant Daulat Mandavkar alias

Vasant Mandavkar : Deceased

Sarika Vasant Mandavkar : Petitioner.

Ms. Pratibha Shelake i/by Mr. Pandit Kasar for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 31st JANUARY 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 Vasant Daulat Mandavkar ('the deceased'), who died in Mumbai on 17th November 2021. 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.

2. The deceased left behind him surviving as his only heirs and next of kin according to Hindu Succession Act, 1956, the persons mentioned in the table in paragraph 4 of the Petition.

3. The Petition is filed by the wife (widow) of the deceased. Other two legal heirs are the minor sons. The Petitioner has filed the petition in the capacity as the guardian of other two legal heirs i.e. the minor children.

4. The reason for which the Legal Heirship Certificate is required is set out in paragraphs 7 and 7A of the Miscellaneous Petition.

5. 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.

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

7. The Miscellaneous Petition is therefore allowed 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 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. “

8. In view of the fact that the Petitioner is the widow of the deceased and has filed the present Petition in the capacity as the guardian of the minor children, issuance of proclamation is dispensed with.

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

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

(ARIF S. DOCTOR, J.)