

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.179 OF 2021**

Draupadi Ragho Modak

... Deceased

1. Purushottam Ragho Modak

2. Kavita Ramesh Gamre

... Petitioners

Ms. Reshmi M. Parab for the Petitioners.

CORAM : ARIF S. DOCTOR, J.

DATE : 17TH JANUARY 2023

P.C. :

1. The Petitioners seek the grant of a Legal Heirship Certificate under the provisions of Section 2 of the Bombay Regulation VIII of 1827 in respect of one Draupadi Ragho Modak ('the deceased'), who died in Mumbai on 12/06/2014. 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 deceased left behind her surviving as her 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 reason for which the Legal Heirship Certificate is required is set out in paragraph 9 of the Miscellaneous Petition.

4. The other legal heirs of the deceased have filed consent affidavits, which are annexed to the 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 Petitioners 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.

7. The Miscellaneous Petition is therefore allowed in terms of prayer clause (B) which reads as under :-

“B) This Hon’ble Court be pleased to issue a Legal Heirship Certificate to the petitioners under the provision of Bombay Regulation VIII of 1827 certifying that the Petitioners are the only heirs and legal representatives of the said deceased.”

8. The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same.
9. In view of consents given by other legal heirs of the deceased, the proclamation is dispensed with.
10. The Miscellaneous Petition is accordingly disposed of. There shall be no order as to costs.

(ARIF S. DOCTOR, J.)