

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.168 OF 2023**

Jaya Manohar Pednekar

... Deceased

Neeta Manohar Pednekar & Ors.

... Petitioners

Mr. Jayesh Mestry a/w Mr. Sagar Kamble for the Petitioners.

CORAM : ARIF S. DOCTOR, J.

DATE : 10TH APRIL 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 Jaya Manohar Pednekar ('the deceased'), who died on 25/07/2021. 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. It is therefore assumed that the deceased died intestate.

2. The Petitioners are the only legal heirs and next of kin of the deceased according to the Hindu Succession Act, 1956, by which the deceased was governed at the time of her death.

3. The reason, for which the Legal Heirship Certificate is required, is set out in paragraph 17 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 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.

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

“(a) That legal Heirship certificate there by certifying (1) NEETA MANOHAR PEDNEKAR (The Petitioner No.1 here-in and real daughter of the deceased) and (2) VIDYA VIJAY PEJE (The Petitioner No.2 here-in and the Married daughter of deceased) and (3) NISHITA PRADEEP RAIKAR maiden name Mangala Manohar Pednekar (The Petitioner No.3 here-in and the married daughter of deceased) be recognized as legal heirs and representatives of the deceased be granted to the Petitioners;”

7. The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same.
8. In view of the fact that the Petitioners are the only legal heirs of the deceased, the issuance of Proclamation is dispensed with.
9. The Miscellaneous Petition is accordingly disposed of. There shall be no order as to costs.

(ARIF S. DOCTOR, J.)