

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

MISCELLANEOUS PETITION NO.203 OF 2023

Smt. Anandibai Bhikaji Mahagaonkar : Deceased

Mahendra Vinayak Mahagaonkar : Petitioner.

Mr. Sarjerao B Patil for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 28th 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 Smt. Anandibai Bhikaji Mahagaonkar ('the deceased'), who is said to have died intestate on 22nd August 2009. A copy of the death certificate of the deceased is also annexed to the Miscellaneous Petition. It is stated that despite due diligent search, no Will of the deceased has been found. It is therefore assumed that the said deceased died intestate.

2. The said deceased left behind her surviving as her only heirs and next of kin according to the Hindu Succession Act, 1956, the persons mentioned in the table in paragraph 8 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 affidavit/s 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 sought for by the Petitioner.

6. I have heard the learned counsel appearing on behalf of the Petitioner as well as perused the said Petition. I find that the same is complete in all respect 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) That legal heirship certificate there by certifying the Petitioner along with Mr. Jayendra Vinayak Mahagaonkar Mrs. Anuja Vila Gopale are the recognized legal heirs and representatives of the deceased be granted to the Petitioner.”

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

9. Office to expedite the issuance of legal heirship certificate.

10. In view of the requisite consent affidavits have been filed, the issuance of proclamation is dispensed with.

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

(ARIF S. DOCTOR, J.)