

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

MISC. PETITION NO. 283 OF 2022

Rajendra Govind Sarwate ...Deceased

Ashok Govind Sarwate & Anr. ...Petitioners

Mr. Manoj Mane for the Petitioners.

CORAM : ARIF S. DOCTOR, J.

DATE : 09th 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 Rajendra Govind Sarwate ('the deceased'), who is said to have died intestate at Mumbai on 15th June, 2013. A copy of the death certificate of the deceased is also annexed to the Miscellaneous Petition.

2 The said deceased died intestate and despite due and diligent search for a Will, none has been found.

3 In paragraph 4 of the Petition the names of the only legal heirs and
next of kins of the deceased according to the Hindu Succession Act, 1956 have
been set out.

4 The consent affidavits of the other legal heirs are on record.

5 The reason for which the legal heirship certificate is required is set
out in paragraph 10 of the Petition.

6 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.

7 I have heard the learned counsel appearing for the Petitioner as
well as perused the said Petition and find that the same is in order and deserves
to be allowed in the interest of justice.

8 The Miscellaneous Petition is therefore allowed in terms of prayer
clause (a) & (b) which read as under :-

*“(a). That a Legal Heirship Certificate be issued under the
provision of Bombay Regulation Act VIII of 1827 Certifying
that (1) Mangala Balkrishna Kale (Sister of the deceased),
(2) Ashok Govind Sarwate (Brother of the deceased and the
Petitioner No.1 herein) and (3) Anil Govind Sarwate
(Brother of the deceased and the Petitioner NO.2 herein),
are the only heirs and Legal representatives of the deceased.*

(b). That issuance of Proclamation be dispensed with".

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

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

(ARIF S. DOCTOR, J)