

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

MISC. PETITION NO. 286 OF 2022

Ravindra Babaram Bane ...Deceased

Nilam Ravindra Bane ...Petitioner

Mr. Manoj M. Mane for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 09th 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 Ravindra Babaram Bane ('the deceased'), who is said to have died intestate at Mumbai on 23rd March, 2019. 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 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 learned counsel for the Petitioner submitted that the consent
affidavits of the legal heirs are on record.

5 The reason for which the legal heirship certificate is required is set
out in paragraph 9 of the Petition.

6 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.

7 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.

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) Nilam Ravindra Bane (Widow of the deceased and
the Petitioner herein), (2) Amol Ravindra Bane(Son of the
decease) and (3) Madhura Ravindra Bane (Daughter of the
deceased), 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)