

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

MISCELLANEOUS PETITION NO. 18 OF 2023

Hemant Hiroji Pawar (deceased) ...Deceased

Dhanashree Hemant Pawar ...Petitioner

Ms. Anita M. Bafna for Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 3rd March, 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 Hemant Hiroji Pawar ('the deceased'), who died in Mumbai on 21st May, 2018. 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 Petitioner is the sole legal heir of the deceased according to Hindu Succession Act, 1956,

3 The reason for which the Legal Heirship Certificate is required is

set out in paragraph 7 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 the learned Counsel appearing on behalf of the Petitioner 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 the Legal Heirship Certificate may be granted to the Petitioner certifying that Petitioner is the only legal heir and representative of the said deceased under the Provisions of the Bombay Regulation Act VIII of 1827;”

7 In view of the fact that the Petitioner is the sole legal heir issuance of proclamation is dispensed with.

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

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

(ARIF S. DOCTOR, J.)