

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.15 OF 2023**

Dayanand Anant Awasare alias

Dayanand Anant Avasare

... Deceased

Umesh Dayanand Avasare

... Petitioner

Mr. Prabhu Velar a/w Mr. Vipul Patil i/by Prashant Aher for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE , 10TH 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 Dayanand Anant Awasare alias Dayanand Anant Avasare ('the deceased'), who died on 22/06/2017. 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 persons mentioned in the table in Paragraph 4 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 his death.

3. The reason, for which the Legal Heirship Certificate is required, is set out in paragraph 8 of the Miscellaneous Petition.

4. The requisite consent affidavits of other legal heirs of the deceased 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.

6. I have heard 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.

7. The Miscellaneous Petition is therefore allowed in terms of prayer clauses (a) and (b), which read as under :-

“a.) This Hon’ble Court be pleased to issue a Legal Heirship Certificate to the Petitioner under the provision of Bombay Regulation VIII of 1827 certifying that (1) Umesh Dayanand Avasare (Son) and (2) Nandakumar Dayananda Awasare (Son) are the only legal heirs of the deceased i.e. Dayanand Anant Awasare, @ Dayanand Anant Awasare;

b.) Issuance of Proclamation be 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.)