

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

MISC. PETITION NO.45 OF 2023

Malan Harishchandra alias

Harichandra Arde alias Arade

: Deceased

Vibhavari Mahesh Pawar alias

Ashalata Harishchandra Arde

: Petitioner.

Ms. Sujata Babar for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 14th FEBRUARY 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 Malan Harishchandra alias Harichandra Arde alias Arade ('the deceased'), who died on 26th August 2022. 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.

2. The deceased left behind her surviving as her only legal heirs and next of kin according to Hindu Succession Act, 1956, the persons mentioned in the table in paragraph 4 of the Petition.

3. The reason for which the Legal Heirship Certificate is required is more particularly set out in paragraph 9 of the Miscellaneous Petition.

4. The other legal heir of the deceased has filed consent affidavit, which is 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 the learned Counsel appearing on behalf of the Petitioner as well as perused the copy of 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 clause (a) which reads as under :-

“ (a) That Legal Heirship Certificate be issued Certifying that the Petitioner and her sister are the only Heirs and Legal Representatives of the Deceased under the provision of Bombay Regulation Act VIII of 1827.”

8. The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same including the name of the other legal heir mentioned in the table in paragraph No.4 of the Petition.

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

(ARIF S. DOCTOR, J.)