

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.32 OF 2023**

Avadhut Dattatray Wangnekar

... Deceased

Sharda Avadhut Wangnekar & Anr.

... Petitioners

Ms. Suchita J. Pawar a/w Ms. Sonali Patil & Ms. Sunita Naik for the Petitioners.

CORAM : ARIF S. DOCTOR, J.

DATE : 14TH FEBRUARY 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 Avadhut Dattatray Wangnekar ('the deceased'), who died in Mumbai on 16/10/2021. 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 Petitioners are the only legal heirs and next of kin of the deceased in accordance with the provisions of the Hindu Succession Act, 1956, by which the deceased was governed at the time of death.

3. The reason for which the Legal Heirship Certificate is required is set out in paragraph 9 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 Petitioners 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 Legal Heirship Certificate be issued Certifying that the Petitioner No.1 and 2 are the only Heirs and Legal Representatives of the Deceased under the provision of Bombay Regulation Act VIII of 1827; as mentioned in Para No.4.”

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

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

(ARIF S. DOCTOR, J.)