

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

MISCELLANEOUS PETITION NO.181 OF 2023

Tukaram Ganapati Lad : Deceased

Mangal Tukaram Lad : Petitioner.

Ms. Pushpa Thapa for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 28th 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 Tukaram Ganapati Lad (“the deceased”), who is said to have died intestate on 18th May 2001. A copy of the death certificate of the deceased is also annexed to the Miscellaneous Petition. It is stated that despite due diligent search, no Will of the deceased has been found. It is therefore assumed that the said deceased died intestate.

2. The said deceased left behind him surviving as his only heirs and next of kin according to the 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 set out in paragraph 7 of the Miscellaneous Petition.

4. The other legal heirs of the deceased have filed consent affidavit/s which 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 sought for by the Petitioner.

6. 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 complete in all respect 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) This Hon’ble Court be pleased to issue a Legal Heirship Certificate thereby certifying the Petitioner i.e. Mangal Tukaram Lad along with other legal heirs mentioned in the Petition viz. Dyaneshwar T. Lad & Ramdas T. Lad as legal heirs & representatives of the said deceased (Late) Tukaram Ganpati Lad uner provisions of the Bombay Regulation Act VIII of 1827”

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

9. In view of the requisite consent affidavits have been filed, the issuance of proclamation is dispensed with.

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

(ARIF S. DOCTOR, J.)