

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.381 OF 2023

Chandrashekhar Rajaiah Thota ... Petitioner

Narsubai Rajaiah Thota ... Deceased

Ms. Gayatri S. Kapse for Petitioner.

CORAM : MANISH PITALE, J.
DATE : OCTOBER 30, 2023

P.C. :

By this petition filed under the provisions of the Bombay Regulation Act VIII of 1827, the petitioner is seeking issuance of legal heirship certificate in respect of the deceased, who was his mother. It is stated that the deceased died on 03.02.2022. Copy of the death certificate is placed at Exhibit-A, which shows that at the time of death, the deceased was residing at Room No.1014, Building No.20, Mahim Macchimar Nagar Building No.20 CHSL, Fisherman Colony, Causeway Road, Mahim, Mumbai 400 016. In paragraph 4 of the petition, it is specifically stated that the petitioner is the only surviving legal heir of the deceased, as the husband of the deceased predeceased her. He died on 18.03.1986. Copy of his death certificate is annexed at Exhibit-B. The deceased died intestate, without leaving behind any Will.

2. The legal heirship certificate is required in the context of immovable property left behind by the deceased.

3. In the light of the material brought to the notice of this Court, the petition is accepted and proclamation is dispensed with. In the interest of justice, the petition is allowed in terms of prayer clause (a), which reads as follows:-

“a) That, legal heirship certificate be issued certifying that the petitioner is the only heir and legal representative of the deceased under the provision of Bombay Regulation Act, VIII of 1827; as mentioned in para-4 hereinabove.”

4. The department to proceed expeditiously in the matter.

(MANISH PITALE, J.)

Minal Parab