

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

MISCELLANEOUS PETITION NO. 455 OF 2023

Sumati Dhanaji Todankar

...Deceased

1. Priyanka Premchand Kavasias

2. Akshaya Premchand Kavasias

...Petitioners

• Mr. Ketan Joshi a/w Shraddha Dhamale, for Petitioners.

CORAM : MANISH PITALE, J

DATE : 02nd JANUARY, 2024.

P. C. :

SHRIKANT
SHRINIVAS
MALANI

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1. Heard learned counsel for the petitioner.

2. By this petition filed under the provisions of the Bombay Regulation Act, VIII of 1827, the petitioners are seeking issuance of legal heirship certificate in favour of the surviving legal heirs of the deceased.

3. The deceased was the grandmother of the petitioners. The deceased expired on 12th February, 2019. Copy of death certificate is annexed to the petition. It is stated that the deceased at the time of her death had a fixed place of abode at Room No. 40/A, Bhageshwar Bhvan, Ground Floor, Dilip Gupte Road, Mahim, Mumbai - 400 016.

4. It is also specifically stated that the deceased died intestate, without leaving behind any testamentary writing or will.

5. The details of the surviving legal heirs of the deceased are

given in paragraph no. 4 of the petition, which include the petitioner (married granddaughter) and her sister the other married granddaughter of the deceased.

6. It is specifically stated that the husband of the deceased predeceased her. He died on 16th July, 1989. Copy of his death certificate is annexed to the petition. It is further stated that the only daughter of the deceased predeceased her, as she died on 28th September, 2012. Copy of her death certificate is also annexed to the petition. It is specifically stated that the petitioners being the two granddaughters of the deceased are her only surviving legal heirs.

7. It is stated that the legal heirship certificate is required in the context of tenancy rights of the deceased.

8. This Court has perused the statements made in the petition and the documents filed therewith. In the light of the material placed on record, the petition is accepted and proclamation is dispensed with.

9. In the interest of justice, the petition is allowed in terms of prayer clause (a), which reads as follows :

“a) That a Legal Heirship Certificate be issued under the provision of Bombay Regulation Act VIII of 1827, Certifying that Priyanka Premchand Kavasias and Akshaya Premchand Kavasias (granddaughters of

the deceased) are legal heirs and Legal representatives of the Deceased.”

(MANISH PITALE, J.)