

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.64 OF 2024

Jayashri Anand Kamble	...	Petitioner
Anand @ Ananda Genu Kamble	...	Deceased

Mr. Prabhu Velar i/b. Harja Nazeer Shaikh for Petitioner.

CORAM : MANISH PITALE, J.
DATE : MARCH 04, 2024

P.C. :

. By an order dated 08.01.2024, the petitioner was granted time of two weeks to remove office objections. The petitioner has removed the office objections, as a consequence of which, the petition is registered and numbered.

2. By the said order dated 18.01.2024 passed by this Court (Coram: Firdosh P. Pooniwalla, J.), the department was directed to issue proclamation. It appears that on the said date, the Court was not apprised of the fact that in the present case, the only other legal heir has already given the consent affidavit, which is placed on record.

3. In that light, issuance of proclamation is not necessary.

4. Heard learned counsel for the petitioner.

5. By this petition, the petitioner is seeking issuance of legal heirship certificate in favour of the surviving legal heirs of the deceased. The deceased expired on 07.08.2020. Copy of his death certificate is annexed to the petition. It is stated that at the time of his death, the deceased was residing at Vill-Bazarwadi, Tal-Bhor, Dist-Pune.

6. It is also stated that the present petition is filed before this Court, for

the reason that the bank that has issued communication to the petitioner for obtaining legal heirship certificate in respect of claim of gratuity payable to the deceased is located within the jurisdiction of this Court. In any case, it is submitted that the amount is payable through the office of the Accountant General at Mumbai located within the jurisdiction of this Court. Hence, this Court is satisfied that the present petition is maintainable.

7. It is further stated that the deceased died intestate, without leaving behind any Will. In paragraph 4 of the petition, it is further stated that the wife of the deceased predeceased him, having expired on 07.05.2016. Copy of her death certificate is also annexed to the petition. It is further stated that the only surviving legal heirs of the deceased are the petitioners (daughter and son). The consent affidavit of the son is annexed to the petition.

8. This Court has perused the contents of the said consent affidavit. In view of the above, the petition is accepted and proclamation is dispensed with.

9. The petition is allowed in terms of prayer clause (a), which reads as follows:-

“a. This Hon’ble Court be pleased to issue a Legal Heirship Certificate to the Petitioner under the provisions of Bombay Regulation VIII of 1827 certifying that the petitioner, along with the heirs mentioned in para No.4 herein above are the only heirs and legal representatives of the deceased.”

(MANISH PITALE, J.)