

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 401 OF 2023**

Suchitra Vitthal Rane, Through Constituted Attorney:

Rohini Raman Gawade @ Surekha Vithal Rane ... Petitioner

Vithal @ Vitthal Babu Rane ... Deceased

Mrs. Sujata R. Babar for petitioner.

**CORAM : MANISH PITALE, J.
DATE : 08th FEBRUARY, 2024**

P.C. :

. Heard learned counsel for the petitioner.

2. By this petition, the petitioner is seeking legal heirship certificate under the provisions of Bombay Regulation VIII of 1827, in favour of the surviving legal heirs of the deceased.

3. The petitioner is one of the daughters of the deceased and she has filed this petition through her power of attorney holder i.e. another daughter of the deceased. Copy of the power of attorney executed in favour of Rohini Raman Gawade is annexed to the petition.

4. The deceased expired on 03.10.2020. Copy of his death certificate is annexed to the petition. It is stated that at the time of his death, the deceased was residing and had a fixed place of abode at Flat No.208, 2nd floor, Shri Lakshmikrupa Co-Operative Housing Society Ltd., Bhulabhai Desai Marg, Mahalaxmi Temple Compound, Mumbai-400026. It is also stated that

the deceased died intestate, without leaving behind any testamentary writing or Will.

5. In paragraph No.5 of the petition, the petitioner has given details of the surviving legal heirs of the deceased which include his widow, two daughters (the petitioner and her power of attorney holder) and two sons. The consent affidavits of the legal heirs are also placed on record with the petition. This Court has perused the consent affidavits.

6. It is further stated that the legal heirship certificate is required to be produced before the officers of Maharashtra Housing and Area Development Authority as also a developer.

7. In view of the material placed on record, the petition is accepted and proclamation is dispensed with.

8. 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, her Mother, one Married Daughter and two Brothers are the only Heirs and Legal Representatives of the Deceased under the provision of Bombay Regulation Act VIII of 1827;”

(MANISH PITALE, J.)

Priya Kambli