

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

MISCELLANEOUS PETITION NO. 69 OF 2024

Radhi Nari Mirchandani alias
Radhi Narindas Mirchandani alias
R.N. Mirchandani ...Deceased

Soni Anil Thadani ...Petitioner

* * *

- Adv. C.P. Deogirikar h/f Mr. Sameer Logade, for Petitioner

* * *

CORAM : MANISH PITALE, J.

DATE : 08th APRIL, 2024

P. C. :

1. Heard learned counsel for the petitioner.

2. By this petition, the petitioner seeks issuance of legal heirship certificate in favour of the surviving legal heirs of the deceased. In this petition, the deceased was the mother of the petitioner. She died on 19th July, 2011. Copy of her death certificate is annexed to the petition.

3. It is stated that at the time her death, the deceased had a fixed place of abode at C/9, Suryakiran, Model Town, Next Gyan Kendra School, Andheri (West), Mumbai - 400 053. It is stated that the deceased died intestate, without leaving behind any testamentary writing or Will.

4. The petitioner has stated in paragraph No.4 that the husband of the deceased predeceased her, having died on 23rd July,

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2005. Copy of his death certificate is annexed to the petition. It is further stated that the son of the deceased died on 02nd February, 2022. Copy of his death certificate is annexed at Exhibit “E” to the petition.

5. It is further stated that the daughter of the petitioner Kanta Ramesh Mulchandani died on 05th January, 2020. Copy of her death certificate is annexed at Exhibit “D” to the petition. It is further stated that the said daughter had one daughter i.e. granddaughter of the deceased name Saaraa Malik Bhamani.

6. On this basis, it is stated that as on today, only the petitioner and the aforesaid granddaughter are the surviving legal heirs of the deceased. The said granddaughter has given her consent affidavit dated 31st May, 2023, which is annexed at page 34 to 36 of the petition. This Court has perused the contents of the consent affidavit.

7. It is further stated that the legal heirship certificate is required in the context of properties left behind by the deceased.

8. In view of the material placed on record, 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) That a Legal Heirship Certificate be issued, certifying that Soni Anil Thadani and Saara Malik Bhamani are the legal and legal representative of the deceased abovenamed under the provision of Bombay Regulation Act VIII of 1827.”

(MANISH PITALE, J.)