

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

MISCELLANEOUS PETITION NO. 459 OF 2023

Arvind Narayan Kulkarni alias
Arvind N. Kulkarni ...Deceased

Ramesh Narayan Kulkarni & Anr. ...Petitioners

* * *

• Mr. Vijay N. Nene, for Petitioners.

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CORAM : MANISH PITALE, J.

DATE : 09th FEBRUARY, 2024.

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P. C. :

1. Heard learned counsel for the petitioners.

2. By this petition, the petitioners are seeking issuance of legal heirship certificate under the provisions of the Bombay Regulation Act VIII of 1827, in their favour as the only surviving legal heirs of the deceased. The petitioner No.1 is brother while petitioner No.2 is the sister of the deceased. He died on 09th October, 2021. Copy of the death certificate is annexed to the petition.

3. It is stated that at the time of his death, the deceased had a fixed place of abode at 502, Abhishek, Road No. 3, Jayprakash Nagar, Goregaon (East), Mumbai - 400 063. The deceased is stated to have died intestate, without leaving behind any testamentary writing or Will.

4. In paragraph no. 4 of the petition, the petitioners have

stated that they are the only surviving legal heirs of the deceased, for the reason that, parents of the deceased predeceased him, his wife also expired on 14th March, 2023, as also the fact that their only son also expired on 16th April, 1997, as a bachelor. Copies of the death certificates of the wife and son of the deceased are also placed on record.

5. This Court is satisfied that in the aforesaid circumstances, the petitioners are the surviving legal heirs of the deceased. It is stated in paragraph no. 9 of the petition that, the legal heirship certificate is required to be produced before the concerned co-operative housing society, where the deceased had a flat in his name. This Court is informed that subsequently it was transferred to the name of the wife of the deceased who, as noted above, has also expired. It is further brought to the notice of this Court that legal heirship certificate is also required to be produced before the Bank and other entities specified in the petition.

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

7. 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 Petitioners are the only heirs
and legal representatives of the Deceased.”*

8. Considering the fact that the petitioners are senior citizens aged about 91 years and 81 years respectively, the department shall issue the legal heirship certificate expeditiously.

(MANISH PITALE, J.)