

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.2 OF 2024

Rajendra Yashvantrao Rajeshirke ... Petitioner

Yashvantrao Manysaheb Rajeshirke ... Deceased

Mr. Prabhu Velar i/b. Mr. Sanjay S. Gawde for Petitioner.

CORAM : MANISH PITALE, J.
DATE : JANUARY 23, 2024

P.C. :

. Heard learned counsel for the petitioner.

2. By this petition filed under the provisions of the Bombay Regulation Act VIII of 1827, the petitioner is seeking issuance of legal heirship certificate in favour of the surviving legal heirs of the deceased, who expired on 29.12.2016. Copy of the death certificate is annexed to the petition. It is stated that the deceased was a resident of Kolhapur at the time of his death but the present petition is filed before this Court for the reason that some of the properties left behind by the deceased are within the jurisdiction of this Court. It is further stated that the deceased died intestate, without leaving behind any Will.

3. In paragraph 5 of the petition, the details of the surviving legal heirs have been given, which include the widow, six sons (including the petitioner) and one daughter of the deceased. It is stated that the parents of the deceased predeceased him. The consent affidavits of all legal heirs other than the petitioner are annexed to this petition.

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

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

“a. This Hon’ble Court be pleased to issue a the Legal Heirship Certificate to the Petitioner under the provisions of Bombay Regulation VIII of 1827 certifying that the petitioner and other Legal Heirs as mentioned in paragraph 5 of the petition are the only heirs and legal representatives of the deceased Yashvantrao Manyasaheb Rajeshirke;”

(MANISH PITALE, J.)

Minal Parab