

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.16 OF 2024

Sumathi Kabali	...	Petitioner
Lakshmi Subramanian	...	Deceased

Mrs. Asha P. Nair for Petitioner.

CORAM : MANISH PITALE, J.
DATE : MARCH 22, 2024

P.C. :

- . Heard learned counsel for the petitioner.
2. By this petition, the petitioner is seeking issuance of legal heirship certificate in favour of the surviving legal heirs of the deceased.
3. It is stated that the deceased was the mother of the petitioner, who expired on 02.09.2022. Copy of her death certificate is annexed to the petition. It is stated that at the time of her death, the deceased had a fixed place of abode at 7A, C Wing, Harbour Heights, Near Colaba Fire Dept., SBI Quarters, Colaba, Greater Mumbai, Mumbai - 400 005. It is further stated that the deceased died intestate, without executing any testamentary writing or Will.
4. The details of the surviving legal heirs of the deceased are given in paragraph 3 of the petition, which shows that the deceased is survived by four daughters, one of whom is the petitioner herself. It is further stated that the husband of the deceased predeceased her. The petitioner has filed an affidavit dated 11.03.2024 and along with the said affidavit, copy of the death certificate of the husband of the petitioner is placed on record, which shows that he expired on 07.10.1998.

5. The consent affidavits of the legal heirs, other than the petitioner, are annexed to the petition at exhibits - 'D', 'E' and 'F'.

6. This Court has perused the consent affidavits.

7. In view of the material placed on record, the petition is accepted and proclamation is dispensed with. The petition is allowed in terms of prayer clause (a), which reads as follows:-

“(a) That a Legal Heirship Certificate certifying that the Petitioner along with the heirs mentioned in para 3 above being the only heirs and legal representatives of the said deceased under the provision of Bombay Regulation Act VIII of 1827.”

(MANISH PITALE, J.)

Minal Parab