

Shailaja

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

MISCELLANEOUS PETITION NO.275 OF 2025

Fulabai Haribhau Jogdand

... Deceased

Ranjana Haribhau Jogdand

... Petitioner

.....

Mr. Kaustubh Javle a/w Mr. Chirag Rathod h/f Thakur and Associates, for the
Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 07TH MAY 2025

P.C. :

1. The Petitioner seeks the grant of a Legal Heirship Certificate under the provisions of Section 2 of the Bombay Regulation VIII of 1827 in respect of one Fulabai Haribhau Jogdand ("the deceased"), who died in Mumbai on 18th September, 2002. A copy of the death certificate is annexed to the Miscellaneous Petition. It is stated that despite due and diligent search, no Will of the deceased has been found. It is, therefore, assumed that the deceased died intestate.

2. The deceased left behind her surviving as her only heirs and next of kin according to Hindu Succession Act, 1956, the persons mentioned in the table in paragraph 4 of the Petition.

3. The reason for which the Legal Heirship Certificate is required is set out in paragraph 12 of the Miscellaneous Petition.

4. The Petition has been duly verified by the Registry. No other Petition for Legal Heirship Certificate, Succession Certificate, Probate or Letters of Administration with or without Will annexed has been filed. Therefore, there is no impediment in law to the grant of relief.

5. I have heard the learned Counsel appearing on behalf of the Petitioner as well as perused the said Petition. Learned Counsel points out that this Court vide an order dated 9th January, 2024 directed to issue proclamation to Mr. Sunil Haribhau Jogdand and Mr. Ankush Haribhau Jogdand. He further invites my attention of an order dated 10th June, 2024 which records thus;

"1. Heard the learned Counsel for the petitioner.

2. The learned Counsel for the petitioner submits that the petitioner has served the proclamation on Sunil Haribhau Jogdand and Ankush Haribhau Jogdand, who are her brothers, and an affidavit of service has been filed.

3. *None appears for the noticees Mr. Sunil Jogdand and Ankush Jogdand, the sons of the deceased.*

4. *By way of indulgence and with a view to give one more chance to the sons of the deceased to contest the petition, if they choose to, stand over to 18th June, 2024"*

6. Learned Counsel submits that service affidavit has been filed in the Registry despite which today none appears. As noted earlier, no one has come to object. The Miscellaneous Petition is, therefore, allowed in terms of prayer clause (a) which reads as under :-

(a) That the Heirship Certificate may be granted certifying that petitioner Ranjana Haribhau Jogadand alias Ranjana Haribhau Jogdand, the Daughter of the deceased, and Sunil Haribhau Jogdand & Ankush Haribhau Jogdand, Sons of the deceased respectively to be declared as the legal heir and legal representative of the deceased Fulabai Haribhau Jogdand (alias Phoolabai Haribhau Jogdand), under the provision of the Bombay Regulation Act VIII of 1827".

7. The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same.

8. The Miscellaneous Petition is accordingly disposed of.

[ARIF S. DOCTOR, J.]