

HARSHADA H. SAWANT
(P.A.)

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

MISCELLANEOUS PETITION NO.385 OF 2025

Manickam Chinnapa Anthony Das alias
Manickam Anthony .. Deceased

Andrew Manikam Anthony .. Petitioner

.....

- Mr. Narendra Kumar Singh, Advocate for Petitioner.
- Mr. P. Rajan Yadav, Advocate for legal heir.

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CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 07, 2025

P.C.:

1. Heard Mr. Singh, learned Advocate for Petitioner and Mr. Yadav, learned Advocate for legal heir.

2. After hearing Mr. Narendra Kumar Singh, learned Advocate on 12.09.2025, following order was passed:-

“1. Heard Mr. Singh, learned Advocate for Petitioner.

2. Present Misc. Petition is filed by Petitioner for issuance of legal heirship certificate under Section 2 of Bombay Regulation VIII of 1827 in respect of deceased Manickam Chinnapa Anthony Das alias Manickam Anthony. The names of the legal heirs of the deceased are mentioned in paragraph No.4 of the Petition. Purpose for filing the present Petition is stated in paragraph No.5 of the Petition. I have perused the same.

3. The daughter of the deceased Elavarasi has not given her consent. Consent of Julie Santiago is appended at page No.40 of the Petition.

4. Learned Advocate would submit that proclamation be issued to the daughter of the deceased. In that view of the matter, Department is directed to issue proclamation to Elavarasi, daughter of Manickam Chinnapa Anthony Das alias Manickam Anthony and takes place for the same. Proclamation is made returnable after six weeks.

5. *Stand over to 7th November 2025.”*

3. Today P. Rajan Yadav, appears for the married daughter and deceased namely Elavarasi.

4. He would submit that he has instructions to file Affidavit-in-Reply as there is a dispute between parties with respect to inheritance of transfer of property and credits of deceased. By virtue of present Grant the Petitioner who is son of deceased has prayed for issuance legal heirship certificate in respect of all legal heirs whose names and details are mentioned in paragraph No.4 of the Petition.

5. Interest and entitlement of Elavarasi, the non consenting legal heir is also adequately taken care of as being one of the legal heir alongwith the Petitioner and wife of the deceased. In view of the averments made in paragraph Nos.4 and 5 of the Petition, there can be no impediment in allowing the Petition in terms of prayer clause (a) which reads thus:-

“a. This Hon’ble Court be pleased to issue a Legal Heirship Certificate to the Petitioner under the provisions of Bombay Regulation VIII of 1827 certifying that the petitioner, alongwith the heirs mentioned para no. 4 herein above are the only heirs and legal representatives of the deceased.”

6. Issuance of proclamation stands dispensed with.

7. Department shall not insist on the names of the parties which are not mentioned in the prayer clause and accept the names of

the three legal heirs that are mentioned in paragraph No.4 of the Petition and is directed issue legal heirship certificate in the name of three legal heirs accordingly within a period of 3 weeks from today positively.

8. Misc. Petition is allowed and disposed subject to removal of office objections, if any, forthwith which shall be allowed by the Department.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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