

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

MISCELLANEOUS PETITION NO.34 OF 2025

Vijaya Raghunath Dharne ... Deceased

Vandana Raghunath Dharne & Anr. ... Petitioners

Ms. Priyanka Shukla for the Petitioners.

CORAM : ARIF S. DOCTOR, J.

DATE : 04TH FEBRUARY 2025

P.C. :

1. Since all the legal heirs are the Petitioners, issuance of proclamation is dispensed with.

2. The Petitioners seek the grant of a Legal Heirship Certificate under the provisions of Section 2 of the Bombay Regulation VIII of 1827 in respect of one Vijaya Raghunath Dharne ('the deceased'), who died in Mumbai on 20th September 2020. 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.

3. 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.

4. The reason for which the Legal Heirship Certificate is required is set out in paragraph 11 of the Miscellaneous Petition.

5. The Petitioners are the only legal heirs of the deceased, hence the question of filing any consent affidavit does not arise.

6. 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.

7. I have heard the learned Counsel appearing on behalf of the Petitioners as well as perused the said Petition. I find that the same is in order and deserves to be allowed in the interest of justice.

8. The Miscellaneous Petition is therefore allowed in terms of prayer clause (b), which reads as under :-

“ b) That the Legal Heirship Certificate may be granted to the Petitioners certifying that Petitioners are the only legal heirs and representatives of the said deceased under the Provisions of the Bombay Regulation Act VIII of 1827;”

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

10. The Miscellaneous Petition is accordingly disposed of.

(ARIF S. DOCTOR, J.)