

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

MISCELLANEOUS PETITION NO.53 OF 2025

Rhishikesh Laxman Rumde

... Deceased

Riddhi Rhishikesh Rumde

... Petitioner

Mr. Siddharth Desai for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 20TH FEBRUARY 2025

P.C. :

**MUGDHA
MANOJ
PARANJAPE**

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Date: 2025.02.20
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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 Rhishikesh Laxman Rumde ('the deceased'), who died in Mumbai on 18th September 2009. 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 him surviving as his 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. Learned Counsel appearing on behalf of the Petitioner points out that this Court had vide an order dated 22nd November 2024 issued proclamation since the mother of the deceased had not given her consent affidavit. Learned Counsel then points out that on 7th January 2025 the mother of the deceased had entered appearance through her advocate and the Court had on that date recorded as follows:-

“P.C.:-

1. *Since the Petition is on lodging number, stand over to 14th January, 2025.*
2. *At this stage Learned Counsel appearing on behalf of Lalna Laxman Rumde submits that he does not have any objection to the grant of the Legal Heirship Certificate as prayed for, however, submits that Lalna Laxman Rumde’s share from the amount lying in the ICICI Bank be made available to her. To this, Learned Counsel for the Petitioner submits that he has no objection.”*

4. Today when the matter was called out, none appeared on behalf of Lalna Laxman Rumde, objector nor has any Affidavit being filed to oppose the present Petition. In view thereof, I find that the Petition having been duly filed and being found duly complied with by the Registry in all respect, the same deserves to be allowed.

5. The reason for which the Legal Heirship Certificate is required is set out in paragraph 7 of the Miscellaneous Petition.

6. 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 Petitioner as well as perused the said Petition. Accepting the no objection recorded in the order dated 7th January 2025 by Learned Counsel appearing on behalf of the Petitioner in respect of Lalna Laxman Rumde's share from the amount lying in the ICICI Bank be made available to her, I find that the Miscellaneous Petitioner deserves to be allowed in the interest of justice.

8. 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 Riddhi Rhishikesh Rumde, Widow of the deceased alongwith Lalna Laxman Rumde, Mother of the deceased and Ritisha Rhishikesh Rumde, Minor Daughter of the deceased, to be declared as the legal heir and legal representative of the deceased Rhishikesh Laxman Rumde under the provision 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.)