

Shailaja

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

MISCELLANEOUS PETITION NO.271 OF 2025

Nitin Kashinath Karadkar

Kalpana Kashinath Karadkar

... Deceased

Nishad Nitin Karadkar and another

... Petitioners

.....

Mr. Jagannath S. Pawar, for Petitioners.

.....

CORAM : ARIF S. DOCTOR, J.

DATE : 07TH MAY 2025

P.C. :

1. 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 Nitin Kashinath Karadkar (the deceased) who died in Mumbai on 14th May, 2021 and Kalpana Kashinath Karadkar ("the deceased"), who died in Mumbai on 18th June, 2024. Copies of the death certificates are 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 them 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. The reason for which the Legal Heirship Certificate is required is set out in paragraph 6 of the Miscellaneous Petition.

4. The other legal heirs of the deceased have filed consent affidavits, which are annexed to the Petition.

5. 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.

6. I have heard the learned Counsel appearing on behalf of the Petitioner 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.

7. The Miscellaneous Petition is, therefore, allowed in terms of prayer clauses (a) and (a-1) which read as under :-

‘(a) The Legal Heirship certificate may be granted in favour of the petitioners herein, and all persons named in para 4 above, be declared as a legal heirs and legal Representatives of the deceased No.1 NITIN KASHINATH KARADKAR and deceased No.2 KALPANA KASHINATH KARADKAR under the provisions of the Bombay Regulation Act VIII of 1827 with the power to collect the said debts and to receive interest and dividend and to negotiate or transfer the said securities.

(a-1) Legal heirship certificate required for transfer of Excise Licence may be granted in favour of the petitioners namely (1) Nishad Nitin Karadkar and (2) Gaurav Nitin Karadkar”.

8. The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same. Issuance of proclamation is dispensed with.

9. The Miscellaneous Petition is accordingly disposed of.

[ARIF S. DOCTOR, J.]