

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 628 OF 2024

Pandurang Ganpat Ukirde

...Petitioner

Parvati Ganpat Ukirde alias Parvatibai Ganpat Ukirde

... Deceased

Adv. Seema Hunnurkar i/by Seema Hunnurkar & Associates for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 8TH JANUARY, 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 Parvati Ganpat Ukirde alias Parvatibai Ganpat Ukirde (the deceased) who died in Mumbai on 15th November 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.

2. The deceased left behind her 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 7 of the Miscellaneous Petition.

4. Learned Counsel points out that out of the five legal heirs, four legal heirs have filed consent affidavits. Since the son of the deceased i.e. Vithal Ganpat Ukirde did not submit his Affidavit of Consent, this Court on 17th October, 2024 issued proclamation to Vithal Ganpat Ukirde and made the same returnable on 12th December, 2024. Learned Counsel places reliance upon an Affidavit of Service of Bailiff to prove due service upon Vithal Ganpat Ukirde. Despite this, today no one has appeared to oppose the grant of the Legal Heirship Certificate.

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 clause (a) which reads as under :-

“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 in para no. 4 herein above are the only heirs and legal representatives of the deceased.”

8. The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same, subject to all compliance of office requisitions.

9. The Miscellaneous Petition is accordingly disposed of. There shall be no order as to costs.

(ARIF S. DOCTOR, J.)