

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

MISCELLANEOUS PETITION NO.140 OF 2025

Laxmi Vinayak Khandalekar
alias Laxmibai V. Khandalekar ... Deceased

Dattatray Vinayak Khandalekar ... Petitioner

Mr. Uttam Rane for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 25TH MARCH 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 Laxmi Vinayak Khandalekar alias Laxmibai V. Khandalekar ("the deceased"), who died at Mumbai on 26th December 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 Petitioner is the only sole legal heir of the deceased according to Hindu Succession Act, 1956.

Digitally
signed by
MUGDHA
MANOJ
PARANJAPE
Date:
2025.03.25
18:48:33
+0530

3. The reason for which the Legal Heirship Certificate is required is set out in paragraph 8 of the Miscellaneous Petition.

4. Since the Petitioner is the sole legal heir of the deceased, the question of filing any consent affidavit does not arise.

5. The Petition has been duly verified by the Registry and the same is numbered. 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. That Legal Heirship Certificate in the form of Appendix of the Bombay Regulation VIII of 1827 be granted to the Petitioner i.e. **DATTATRAY VINAYAK KHANDALEKAR** declaring that legal heir of the Deceased Late **LAXMI***

VINAYAK KHANDALEKAR alias LAXMIBAI V. KHANDALEKAR and to entitle entire estate of the deceased which is more particularly mentioned in the Schedule - I herein at Exhibit "E" to the present petition."

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.)