

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

MISCELLANEOUS PETITION NO. 173 OF 2025

Sanjeev Kerba Asawale

...Petitioner

Kerba Balu Asawale Alias Keraba Balu Asavale

Alias K. B. Asawale

...Deceased

Mr. Prabhu Velar with Vilas Kadu for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 02nd APRIL, 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 Kerba Balu Asawale alias Keraba Balu Asavale alias K. B. Asawale (“the deceased”), who died in Kolhapur on 21st June, 2016. 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 sole legal heir and next of kin according to Hindu Succession Act, 1956.

3. The reason for which the Legal Heirship Certificate is required is set out in paragraph 12 of the Miscellaneous Petition.

4. 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.

5. 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.

6. 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 provision of Bombay Regulation VIII of 1827 Certifying that the petitioner viz. SANJEEV KERBA ASAWALE, son, is only surviving legal heir and Legal representative of the deceased viz. KERB A BALU ASAWALE alias KERABA BALU ASAVALE alias K. B. ASAVALE alias K. B. ASAWALE”

7. The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same.
8. The Miscellaneous Petition is accordingly disposed of.

(ARIF S. DOCTOR, J.)