

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.282 OF 2025**

Vitthal alias Vithu Laxman Shinde ... Deceased

Tukaram Vitthal Shinde ... Petitioner

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Ms. Sujata Babar, for Petitioner.

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CORAM : ARIF S. DOCTOR, J.

DATE : 07TH MAY 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 Vitthal alias Vithu Laxman Shinde ("the deceased"), who died in Patan on 6th February, 2021. 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. The reason for which the Legal Heirship Certificate is required is set out in paragraph 9 of the Miscellaneous Petition.

4. The other legal heirs of the deceased have filed joint consent affidavit, which is 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 clause (a) which reads as under :-

“(a) That Legal Heirship Certificate be issued Certifying that the Petitioner viz. TUKARAM VITTHAL SHINDE and his two Brothers MARUTI VITTHAL SHINDE and LAXMAN VITTHAL SHINDH are the only Heirs and Legal Representatives of the Deceased under the provision of Bombay Regulation Act VIII of 1827”

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.]