

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC PETITION NO. 300 OF 2025**

Nandita Arun Phatak

...Petitioner

Arun Gangadhar Phatak

...Deceased

Mr. Uttam Rane for Petitioner

CORAM : ARIF S. DOCTOR, J.

DATED : 9th 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 Arun Gangadhar Phatak ("the deceased"), who died in Pune on 3rd February 2024. 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 8 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 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. (1) NANDITA ARUN PHATAK and legal heirs i.e. (2) ANITA JAYDEEP MAHABALE and (3) MADHURA MAYURESH KULKARNI declaring that legal heirs of the Deceased Late ARUN GANGADHAR PHATAK and to entitle estate of the deceased which is more particularly mentioned in the Schedule -I herein at Exhibit “D” 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.)