

sbw

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

MISCELLANEOUS PETITION NO. 303 OF 2025

Padmaja Madhukar Salvi & Anr. ... Petitioners

Madhukar Shankar Salvi alias Madhukar ... Deceased
Shankar Salvi

Mr. Prabhu Velar a/w Ms. Bhakti Patil i/by Ms. Hetal Sudhir
Raut for the Petitioner.

CORAM : Kamal Khata, J.
DATED : 25th June 2025.

P.C.:-

1. The Petitioners seek issuance of a Legal Heirship Certificate under Section 2 of the Bombay Regulation VIII of 1827 in respect of one Madhukar Shankar Salvi ("the deceased").
2. The deceased passed away in Mumbai on 15th September 2011. A copy of the death certificate is annexed to the Petition as Exhibit 'A'.

3. The deceased died intestate. That the parents of the deceased have pre-deceased the deceased. It is stated that the Petitioners are the only legal heirs of the deceased in paragraph No.6 of the Petition.

4. Learned Advocate Mr. Velar for the Petitioners submits that the averment about the legal heirs and next of of kin of the deceased, in terms of Section **8(a)** of the Hindu Succession Act, 1956 is set out in paragraph No.4 of the Petition. He further submits that the Legal Heirship Certificate is sought to declare the Petitioners as legal heirs and to facilitate transfer of the property mentioned in Schedule of property annexed as Exhibit 'F' to the Petition.

5. In view of the aforesaid submissions and the material placed on record, the Petition is allowed. The requirement of proclamation is dispensed with. Learned Advocate for the Petitioners on instructions submits that Petitioners will compensate any party who is prejudiced or affected by passing of this Order.

6. Delay in filing this Petition is condoned. Petition is made absolute in terms of prayer clauses (b) and (c) which read as follows:

“(b) That a Legal Heirship Certificate be issued under the provision of the Bombay Regulation Act VIII of 1827, certifying that (1) Padmaja Madhukar Salvi (widow of the deceased and the Petitioner No.1 abovenamed), (2) Sachin Madhukar Salvi (Son of the deceased and the Petitioner No.2 abovenames), are the only legal heirs and Legal representatives of the deceased.
(c) That issuance of Proclamation be dispensed with.”

7. All concerned to act on an authenticated copy of this order.

(Kamal Khata, J.)

Note :- This order is modified pursuant to speaking to minute of order dated 21st August 2025, corrections are shown in bold and italic.