

sumedh

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

MISC. PETITION NO. 305 OF 2025

Prabhakar Balwant Amolik ... Deceased

Sharmila Prabhakar Amolik ... Petitioner

Mr. Uttam Rane i/by Sandeep Sharma for the Petitioner.

CORAM : Kamal Khata, J.
DATED : 24th June 2025.

P.C.:-

1. The Petitioner seeks issuance of a Legal Heirship Certificate under Section 2 of the Bombay Regulation **VIII** of 1827 in respect of one Prabhakar Balwant Amolik (“the deceased”).

2. The deceased passed away in California, U.S.A. on or about 31st August 2024. A copy of the death certificate issued by Public Health department, Country of Sacramento, State of California on 13th September 2024 is annexed to the Petition as Exhibit ‘A’.

3. The deceased died intestate. It is stated that the Petitioner, alongwith the other legal heirs named in paragraph No.4 of the Petition, have filed consent affidavits supporting the grant of Legal Heirship Certificate in favour of the Petitioner.

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

5. The other legal heirs of the deceased have filed their consent Affidavits at page Nos.26 and 27 of the Petition, wherein she has given her full and free consent for the Legal Heirship Certificate to be granted in favour of the Petitioner.

6. In view of the aforesaid submissions and the material placed on record, the Petition is allowed. The requirement of proclamation is dispensed with. Learned counsel for the petitioner on instructions submits that Petitioner will

compensate any party who is prejudiced or affected by passing of this Order.

7. Petition is made absolute in terms of prayer clause (a) which reads as follows:

“a. That Legal Heirship Certificate in the form of the Bombay Regulation VIII of 1827 be granted to the Petitioner i.e. (1) **SHARMILA PRABHAKAR AMOLIK** and legal heirs i.e. (2) **NOREEN PRABHAKAR AMOLIK** declaring that legal heirs of the Deceased Late ***PRABHAKAR BALWANT AMOLIK*** and to entitle estate of the deceased which is more particularly mentioned in the Schedule-I herein at Exhibit “C” to the present petition.”

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

(Kamal Khata, J.)

Note: This order is modified by an order dated 21st August 2025. Corrections are shown in bold and italics.