

Ajay

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

MISCELLANEOUS PETITION NO. 357 OF 2025

Anirudha Vijaykumar Mundra .. Deceased

Suruchi Vijaykumar Mundra .. Petitioner

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- Mr. Shashikant Damodarlal Chandak a/w. Ms. Kanchan S. Chandak, Advocates for Petitioner.
 - Ms. Anushree Koparkar, Advocate i/by SSB Legal and Advisory for non-consenting Legal Heir.

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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 19, 2025.

P.C.:

1. Heard Mr. Chandak, learned Advocate for Petitioner and Ms. Koparkar, learned Advocate for non-consenting Legal Heir.

2. Present Petition is filed by the mother of deceased. The only other legal heir is the wife of the deceased. Details of both Petitioner and wife their are stated in the Petition as also in the prayers.

3. Ms. Koparkar, appears for the wife of the deceased. The only grievance is with respect to the averments made in paragraph No.9 of the Petition. I have perused paragraph No.9. Ms. Koparkar, learned Advocate for the wife of the deceased is right. By virtue of the legal heirship certificate, we do not determine title of the movable and immovable properties in favour of the legal heirs. All that this Court

does is that it declares the legal heirs of the deceased and nothing more. Though Petitioner seeks heirship certificate for transfer of the properties, be that as it may, transfers will be subject to taking out appropriate proceedings as available to Petitioner as also to the wife of the deceased, as available to them in law.

4. In view of the above, there can be no impediment in allowing the Petition. Misc. Petition is allowed and disposed of in terms of prayer clause 'a' which reads thus:-

"a' That this Hon'ble Court be pleased to issue a Legal Heirship Certificate to the Petitioner under the provisions of Bombay Regulation VIII of 1827, certifying that 1) Anushree Anirudha Mundra and 2) Suruchi Vijaykumar Mundra, as mentioned in paragraph no. 4 hereinabove, are the only heirs and legal representative of the deceased."

5. Issuance of proclamation stands dispensed with.

6. Department is directed to issue the legal heirship certificate as directed above within a period of 3 weeks from today positively.

7. Misc. Petition is allowed and disposed subject to compliance of office objections, if any, forthwith which shall be allowed by the Department.

[MILIND N. JADHAV, J.]

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Date: 2025.09.20
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