

HARSHADA H. SAWANT
(P.A.)

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

MISCELLANEOUS PETITION NO.542 OF 2025

Pravin Shantilal Unadkat alias Pravinkumar
Unadkat .. Deceased

Jayshree Pravinkumar Unadkat .. Petitioner

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- Mr. Malcolm Singanporia a/w. Mr. P. Soboo, Mr. Ativ Patel and Mr. Harshad R. Vyas, Advocates i/by AVP Partners for Petitioner.
- Mr. H. V. Kode, Advocate for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 05, 2025

P.C.:

1. Heard Mr. Singanporia, learned Advocate for Petitioner and Mr. Kode, learned Advocate for Respondent.

2. Needless to state that in paragraph No.3 of the Petition, Petitioner has acknowledged the substantive right of Respondent as also his sister whose names and details have been stated and in view of the prayer clause which has been sought for issuance of legal heirship certificate the right of Respondent as well as the sister is not denied.

3. Misc. Petition is filed by Petitioner for issuance of legal heirship certificate under Section 2 of Bombay Regulation VIII of 1827 in respect of the properties and credits of deceased. In that view of the matter, there can be no impediment for granting the legal heirship certificate under Section 2 of the Bombay Regulation Act VIII of 1827

declaring the three legal heirs whose names are stated in paragraph No.3 of the Petition as legal heirs of deceased.

4. Mr. Kode persuades the Court to peruse the Affidavit-in-Reply and would submit that according to Respondent, Petitioner does not have any proof of her marriage with the deceased and he declines to recognize the Petitioner as wife deceased.

5. *Prima facie*, before me is substantial documentary evidence which is shown to me *prima facie* which shows that Petitioner is wife of deceased. Without entering into any controversy right of Respondent to seek appropriate declaration from the appropriate Civil Court having civil jurisdiction in so far his objection to entitlement of Plaintiff to estate and property of deceased is concerned is expressly kept open.

6. In so far as issuance of Grant is concerned by virtue of Grant all that is determined is that the three persons before Court are declared as legal heirs but if Respondent is aggrieved due to any reason, Respondent is free to approach the Civil Court having original civil jurisdiction and obtain appropriate order as available to Respondent in law for any such declaration against the Petitioner.

7. No objection shall be taken by Department since name of legal heirs are not mentioned in the prayer clause and the names stated in paragraph no.3 shall be considered for purpose of issuing the

Grant.

8. Department is directed to proceed in accordance with law and issue the legal heirship certificate within a period of 3 weeks from today positively.

9. Petition is allowed and disposed with the aforesaid directions.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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