

Amberkar

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

MISC. PETITION NO. 573 OF 2025

Kamlesh Prabhudas Vadgama .. Deceased

Leena Kamlesh Vadgama .. Petitioner

-
- Mr. Sandesh Kamble i/by Dr. Aswini R. Singh, Advocates for Petitioner

.....
CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 26, 2025

P. C.:

1. Mentioned out of turn.
2. Heard Mr. Kamble, learned Advocate for Petitioner.
3. Present 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 abovenamed. The names and details of legal heirs of the deceased are stated in paragraph No. 3 of the Petition. Purpose for filing the present Petition is stated in paragraph No. 7 of the Petition. I have perused the same.
4. Consent affidavit dated 18.12.2024 of the other legal heir is filed on record and appended at page Nos. 27-29 of Petition.

5. 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 clauses (a) which read thus:-

"(a) That the Heirship Certificate may be granted thereby certifying the Petitioner i.e., Leena Kamlesh Vadgama & unmarried Daughter i.e., Aishwarya Kamlesh Vadgama of the Deceased to be declared / recognized as Legal heir and Legal representative of the Deceased i.e., Late Kamlesh Prabhudas Vadgama, under the provisions of the Bombay Regulation II 1827."

6. Issuance of proclamation stands dispensed with.

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

8. Misc. Petition is allowed and disposed subject to compliance of office objections, if any, forthwith which shall be allowed by the Department. It is clarified that the 3 week period shall start from the date of removal of office objections.

9. In view of Notification dated 09.8.2024 of the State Government under Section 46 of the Maharashtra Court Fees Act, 1959, Department is directed to refund excessive Court fees of Rs. 65,000/- to the Petitioner forthwith.

Amberkar

[MILIND N. JADHAV, J.]

Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
Date:
2025.09.26
20:04:38 +0530