

Ajay

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

MISCELLANEOUS PETITION NO. 592 OF 2025

Laxmibai Rajnikant Phodkar .. Deceased

Mandar Rajnikant Phodkar .. Petitioner

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- Mr. Dinesh Arjun Wani i/b Padmakar Kashinath Tripathi, Advocates for Petitioner.

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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 26, 2025.

P.C.:

- 1.** Heard Mr. Wani, learned Advocate for Petitioner.
- 2.** 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 Laxmibai Rajnikant Phodkar. The names and details of legal heirs of the deceased are stated in paragraph No. 4 of the Petition. Purpose for filing the present Petition is stated in paragraph No. 5 of the Petition. I have perused the same.
- 3.** Consent affidavit dated 01.04.2025 of Vinayak Rajnikant Phodkar, the legal heir is filed on record and appended at page No. 37 of Petition.

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 paragraph No. 10 which read thus:-

“10. The Petitioner Submit that there is no impediment under section 370 of Indian Succession Act 1925, for Grant of Heirship Certificate in the favour of the Petitioner under Section 2 of Bombay Regulation Act, VIII of 1827. follows (1) Vinayak Rajnikant Phodkar (Son) and (2) Mandar Rajnikant Phodkar (Son) are the only legal heirs of the deceased abovenamed i.e. Laxmibai Rajnikant Phodkar.”

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.]

Ajay

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