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

MISCELLANEOUS PETITION NO. 712 OF 2025

Savitribai Shankar Kharote alias
Savitribai Shankar Kharate alias
Savitribai Shankar Sonar .. Deceased

Balkrishna Mahadev Kharote and Anr. .. Petitioners

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- Mr. Manish Gaikwad a/w. Mohd. Naved I. Mulla, Advocates for Petitioners.
 - Mr. Rohit Vinayak Kharote, present in-person.
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CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 28, 2025.

P.C.:

1. Heard Mr. Gaikwad, learned Advocate for Petitioners.
2. Present Misc. Petition is filed by Petitioners for issuance of legal heirship certificate under Section 2 of Bombay Regulation VIII of 1827 in respect of the properties and credits of deceased Savitribai Shankar Kharote alias Savitribai Shankar Kharate alias Savitribai Shankar Sonar who expired on 20.01.1960. She survived by 10 legal heirs. Out of whom two legal heirs are Petitioners and five legal heirs are appended their consents at page Nos.46, 48, 51, 54 and 57 of the Petition. Purpose for filing the present Petition is stated in paragraph Nos.10 to 13 of the Petition. I have perused the same.

3. The three remaining legal heirs namely Mrs. Sunita Vinayak Kharote; Mr. Rohit Vinayak Kharote and Mr. Priyank Vinayak Kharote are duly represented before me by Mr. Rohit Vinayak Kharote. He has filed a reply to the citation issued on behalf of all three non-consenting legal heirs. All that is stated that in the reply which is filed on the stamp paper is that the three legal heirs are entitled to 10% share to the extent 3.34%; 3.33% and 3.33%.

4. A request is made to the Court to specifically mention the shares in the Grant. That cannot be done since the Grant will be issued in accordance with law.

5. However, the request made by Mr. Rohit Kharote in respect of the three legal heirs is taken on record and the same is mentioned herein.

6. In my opinion, in that view of the matter there can be no impediment in allowing the Petition in view of the averments made in the Petition. Misc. Petition is allowed and disposed of in terms of prayer clause 'a' which reads thus:-

"a' The Legal Heirship Certificate may be granted in favour of the legal heirs as mentioned in para – 9 above they be declared as legal heirs and legal representatives of the deceased Smt. Savitribai Shankar Kharote alias Smt. Savitribai Shankar Kharate alias Smt. Savitribai Shankar Sonar, under the provisions of Bombay Regulation Act, VIII of 1827."

7. Issuance of proclamation stands expressly dispensed with.

8. Department shall not raise any technical objection in respect of names of ten legal heirs being not mentioned in the prayer clause.

9. Department is directed to issue the legal heirship certificate in names of all ten legal heirs being legal heirs of the deceased as directed above within a period of 3 weeks from today positively.

10. Needless to state that legal heirs, *inter se*, amongst themselves shall be entitled to their respective shares strictly in accordance with law.

11. 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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