

HARSHADA H. SAWANT
(P.A.)

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

MISCELLANEOUS PETITION NO.906 OF 2025

Ravindra Ramesh Hiwale .. Deceased

Shilpa Ravindra Hiwale @ Shilpa Surkya More .. Petitioner

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- Mr. Rajiv Jadhav, Advocate i/by Mr. Shivaji Nirmale for Petitioner.
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CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 05, 2025

P.C.:

- 1.** Heard Mr. Jadhav, learned Advocate for Petitioner.
- 2.** 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 who is wife of deceased. Son of deceased from his first wife has consented to Petition. His Consent Affidavit dated 22.08.2025 is appended at page No.27 of the Petition.
- 3.** The first wife – Sangita has not filed her consent. However Mr. Jadhav would submit that since the year 2002 she has gone missing and in respect of which appropriate complaint has been filed with Devnar Police Station, Mumbai. Averments to this effect are made in the Petition.
- 4.** The names and details of legal heirs of the deceased are

stated in paragraph No.5 of the Petition. Purpose for filing the present Petition is stated in paragraph No.6 of the Petition. I have perused the same.

5. In view of the fact that Petitioner is not denying the right of Sangita there can be no impediment in allowing the Petition even though Petitioner may have opportunity of seeking order under Section 108 of the Hindu Succession Act, 1956 in the case of missing person.

6. Considering the aforesaid submissions and averments made in paragraph No.5 of the Petition there can be no impediment in allowing the Petition.

7. Misc. Petition is allowed and disposed of in terms of prayer clause 'a' which reads thus:-

“a) This Hon’ble Court be pleased to declare that the (1) Sangita Raviindra Hiwale also known as Shilpa Surkya More, the widow of the deceased and (2) Swapnil Ravindra Hiwale, the son of the deceased, are the only heirs and legal representatives of Late Ravindra Ramesh Hiwale under the provisions of Bombay Regulation VIII of 1827.”

8. Issuance of proclamation stands dispensed with.

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

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

Department.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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