

HARSHADA H. SAWANT
(P.A.)

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

MISCELLANEOUS PETITION NO.1000 OF 2025

Chandrakant Sakharam Surve alias Surve
Chandrakant .. Deceased

Prasad Chandrakant Surve .. Petitioner

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- Ms. Pratiksha Babar, Advocate i/by Mr. Ravindra Babar and Ms. Sujata Babar for Petitioner.
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CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 23, 2025

P.C.:

1. Not on Board. Mentioned by way of filing praecipe dated 23.12.2025. Perused the praecipe.

2. Heard Ms. Babar, 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 Chandrakant Sakharam Surve alias Surve Chandrakant. 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.9 of the Petition. I have perused the same.

4. The deceased expired on 17.03.1997 and copy of his death certificate is appended at Exhibit-A, page No.19 to the Petition. The

wife of the deceased namely Sarita Chandrakant Surve expired on 11.08.2022 and her copy of death certificate is appended at Exhibit-B, page No.21. Consent affidavit dated 15.11.2025 of Rashma Yogesh Naik (married daughter), the other legal heir is filed on record and appended at page No.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', 'b' and 'c' which read thus:-

*“(a) That Legal Heirship Certificate be issued Certifying that the Petitioner viz. **PRASAD CHANDRAKANT SURVE** and his sister viz. **RASHMA YOGESH NAIK** are the only Heirs and Legal Representatives of the Deceased under the provision of Bombay Regulation Act VIII of 1827;*

(b) Delay of approx. 25 years 8 Months may be condoned;

(c) Proclamation may be dispensed with.;”

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.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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