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

**MISCELLANEOUS PETITION NO.1180 OF 2026**

Shivram Vishram Sodaye @ Shivram Vesram Sodaye @ S.V. Sodaye .. Deceased

Shubhangi Shivram Sodaye .. Petitioner

Mr. Anthony Fernandes, i/by Mr. Waquar Ahmed, Advocates for the Petitioner.

**CORAM : GAUTAM A. ANKHAD, J.**

**DATE : 22nd October, 2026.**

**P.C. :**

1. This Petition is filed seeking Legal Heirship Certificate under Section 2 of Bombay Regulation (VIII) of 1827 in respect of the Deceased – Shivram Vishram Sodaye @ Shivram Vesram Sodaye @ S.V. Sodaye who at the time of his death was residing at Room No.301, Building No.T-36, Pratiksha Nagar, Near Sunder Hotel, Sion Koliwada, Sion, Mumbai 400 033. The Deceased died intestate on 27th September, 2003 and a copy of the Death Certificate is annexed at Exhibit 'A' to the Petition.

2. The Petitioner is the widow of the Deceased. At paragraph no.4, the Petitioner has furnished details of the only surviving legal heirs and next-of-kin of the Deceased as follows :

| Sr. No. | Names and Address of the heirs and next of kin of the Deceased abovenamed | Age | Relation with the Deceased |
|---|---|---|---|
| 1 | Shubhangi Shivram Sodaye,<br>R/o. Room No.T-36/301, Pratiksha Nagar, Near Sunder Hotel, Sion Koliwada, Sion, Mumbai 400 033. | 62 years | Wife<br>(Petitioner) |
| 2 | Amit Shivram Sodaye,<br>R/o. 392/B, Ratnagiri Javade, Lanja, Ratnagiri, Maharashtra 416701. | 42 years | Son |
| 3 | Swara Sushant Shirke,<br>R/o. Room No.T-36/301, Pratiksha Nagar, Near Sunder Hotel, Sion Koliwada, Sion, Mumbai 400 033. | 39 years | Married Daughter |

3. It is further stated that the parents of the Deceased have predeceased the Deceased and there are no other heirs and next-of-kin of the Deceased. It is in this background that the Petitioner seeks the Heirship Certificate.

4. The son and married daughter of the Deceased have filed consent affidavits dated 13th August, 2026 and 29th July, 2026, respectively, which are annexed at page nos.33 to 40 of the Petition.

5. The reasons for filing this Petition are stated at paragraph no.8 of the Petition. It is also stated in paragraph no.9 that the Petitioner or the legal heirs have not filed any other Petition for Heirship

Certificate, Succession Certificate, Probate or Letters of Administration and there is no impediment to the grant of the reliefs in this Petition.

6. As far as the delay is concerned, the same is condoned in the light of the judgment of this Court in ***Ganpati Vinayak Achwal***[1] wherein this Court has held that the right to apply is a continuous right which is capable of being exercised at any time after the death of the Deceased, as long as the right to do so exists.

7. In view of the statements/undertakings contained in the Petition, read with the consent affidavits that have been filed, which are accepted, **Miscellaneous Petition No.1180 of 2026 is allowed** in terms of prayer clause (a), which reads as under :

> "(a) This Hon'ble Court be pleased to issue a Legal Heirship Certificate to the Petitioner under the provisions of the Bombay Regulation VIII of 1827 certifying that the Petitioner mentioned above in para 4 are the only heirs and legal representatives of the Deceased Shivram Vishram Sodaye alias Shivram V. Sodaye alias Shivram Vesram Sodaye alias S.V. Sodaye, viz. (1) Shubhangi Shivram Sodaye (Wife), (2) Amit Shivram Sodaye (Son) and (3) Swara Sushant Shirke (Married Daughter)."

8. Issuance of Proclamation is dispensed with.

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9. The Department is directed to issue the Legal Heirship Certificate within a period of six weeks from today.

**[ GAUTAM A. ANKHAD, J. ]**

SNEHA ABHAY DIXIT
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