KANCHAN VINOD MAYEKAR

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

MISCELLANEOUS PETITION NO. 1159/2026

JANAKI LAKSHMINARAYAN ..... PETITIONER

LAKSHMINARAYAN SWAMINATH ..... DECEASED

Adv. Sharanya Sankaranarayanan a/w. Adv. Shristi Goenka for the Petitioner.

CORAM : RAJESH S. PATIL, J.

DATE : 12 OCTOBER, 2026

P.C. :-

1) This petition is filed under Section 2 of the Bombay Regulation VIII of 1827, by the petitioner, who is the wife of the deceased, who died on 30 July, 2017, as evidenced by the death certificate annexed to the petition at Exhibit - "A" to the legal heirship certificate.

2) It is submitted before me that apart from the petitioner, there are two children of the deceased who are the heirs of the deceased as per Hindu Succession Act, 1956. In a tabular chart attached to para no.4, the names, addresses and the relationship of the legal heirs of the deceased has been mentioned.

3) It is further stated that there are no other legal heirs of

the deceased then what is mentioned in the table. It is further stated that the parents of the deceased, pre-deceased the deceased and apart from the petitioner and the daughter and son, there are no other legal heirs of the deceased. It is further stated that the petitioner has not filed or made any application to any District Court, District Delegate or any High Court for probate of any Will or for Letters of Administration with or without a Will or for a Succession Certificate to the property and credits of the deceased. It is further stated that no one else is entitled for grant of legal heirship certificate. It is further stated that the petitioner is seeking legal heirship certificate for declaring her and her two children, being the daughter and son, are the only legal heirs of the deceased.

4) The consent affidavits of the son and daughter, who apart from the petitioner are claiming to be the legal heirs of the deceased have been included at page nos. 23 to 28.

5) Having heard learned counsel appearing for the petitioner and considering the submissions made, in my view, this legal heirship certificate can be granted.

6) The petition 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 provision of Bombay Regulation VIII of 1827 certifying that the Petitioner is the only legal representative of the said Deceased.

7) The issuance of proclamation is dispensed with.

8) It goes without saying that this certificate confers no right to the property, but only indicates the person who, for the time being, is in the legal management thereof and that the granting of such certificate shall not finally determine nor injure the rights of any person and the certificate shall be annulled upon proof that another person has a preferable right and that the holder of a certificate, shall be accountable for his acts done in that capacity to all persons having an interest in the property, in the same manner as if no certificate had been granted.

[RAJESH S. PATIL, J.]