GAURI AMIT GAEKWAD
Digitally signed by GAURI AMIT GAEKWAD
Date: 2026.10.22 16:52:46 +0530

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

MISCELLANEOUS PETITION NO.1191 OF 2026

Kerba Gundappa Wharge
also known as Keraba Gundappa Vharage ....Deceased

Santosh Kerba Wharge ….Petitioner

Mr. Nitin K. Jadhav i/b. Mr. Rajiv A. Jadhav 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 – Kerba Gundappa Wharge also known as Keraba Gundappa Vharage who at the time of his death was residing at Post : Kaneri, Taluka : Panhala, District : Kolhapur – 416 230. The Deceased died intestate on 21st October, 2017 and a copy of the death certificate is annexed at Exhibit ‘A’ to the Petition.

2. The Petitioner is the only son and the only legal heir of the Deceased. It is further stated that the parents and wife 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.

3. The reasons for filing this Petition are stated at paragraph no.6 of the Petition. It is also stated that the Petitioner has 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.

4. 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.

5. In view of the statements/undertakings contained in the Petition, which are accepted, **Miscellaneous Petition No.1191 of 2026 is allowed** in terms of prayer clause (a), which reads as under :

> *(a) This Honble Court be pleased to declare that Shri Santosh Kerba Wharge, the Son of the deceased, is*

1 2014 SCC OnLine Bom 1193

the only heir and legal representative of Late Kerba Gundappa Wharge also known as Keraba Gundappa Vharage, under the provisions of Bombay regulation VIII of 1827.

6. Issue of Proclamation is dispensed with.

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

[GAUTAM A. ANKHAD, J.]