KANCHAN VINOD MAYEKAR

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

MISCELLANEOUS PETITION NO. 1161/2026

SNEHA SURESH BAIT & ANR. ..... PETITIONERS

SUREKHA SURESH BAIT ..... DECEASED

Adv. Manoj M. Mane for the Petitioners.

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 petitioners.

2) It has been specifically stated in the petition that the deceased, mother of the petitioners died on 12 October, 2025 and the copy of the death certificate is enclosed at Exhibit - "A" to the petition. It is further stated that the deceased was staying in Kandivali (West), Mumbai at the time of her death and the said place was abode. The deceased had died intestate and after diligent search, copy of the Will was not found. The deceased has left the petitioners as her only legal heirs. In para (4) of the petition, in a tabular form, a chart of the legal heirs of the deceased have been mentioned alongwith their relationship. The husband of the deceased had pre-deceased the

deceased on 8 January, 2016 and his death certificate has been enclosed at Exhibit – "B" to the petition. Therefore, the petitioners being the daughter and son of the deceased, had applied for the legal heirship certificate under Section 2 of the Bombay Regulation VIII of 1827. The petitioners further submit that the deceased being Hindu Female, after the deceased of the deceased, as per the provisions of Section 15(1)(a) of the Hindu Succession Act, 1956, the property of the deceased devolved upon the petitioners.

3) Learned counsel for the petitioners submits that the consent affidavits are not required as all the legal heirs of the deceased are the petitioners in the present petition and the issuance of the proclamation also be dispensed with.

4) Having heard learned counsel appearing for the petitioners and considering the submissions made in the present petition, in my view, the present petition needs to be allowed and the legal heirship certificate can be granted to the petitioners declaring them as legal heirs of the deceased Surekha Suresh Bait.

5) The petition is allowed in terms of prayer clause (a), which reads as under :-

> (a) That a Legal Heirship Certificate of the deceased be issued under the provision of Bombay Regulation Act VIII of 1827 Certifying

that (1) Sneha Suresh Bait (being the Daughter of the deceased and the Petitioner No.1 herein) and (2) Sumit Suresh Bait (being the Son of the deceased and the Petitioner No.2 herein), are the only heirs and Legal representative of the deceased.

6) The issuance of Proclamation is dispensed with.

7) 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.]