KANCHAN VINOD MAYEKAR

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

MISCELLANEOUS PETITION NO. 1163/2026

KAPILABEN NATAVARLAL HARSORA
ALIAS HARSORA KAPILABEN NATAVARLAL ..... PETITIONER

NIRMALA DHIRUBHAI GOHIL ..... DECEASED

Adv. Seema Hunnurkar for the Petitioner.

CORAM : RAJESH S. PATIL, J.

DATE : 12 OCTOBER, 2026

P.C. :-

1) By the present petition filed for issuance of legal heirship certificate under Section 2 of the Bombay Regulation VIII of 1827, the petitioner claims to be the sister-in-law of the deceased Nirmala Dhirubhai Gohil, who died on 11 May, 2026. A copy of the death certificate of the deceased is enclosed at Exhibit - “A” to the petition.

2) It has been stated in the petition that the deceased was the permanent residence of the Mumbai and at the time of death had the place of abode at Goregaon (West), Mumbai. It is further stated that the deceased died intestate leaving behind no testamentary writing or a Will and inspite of due and diligent search, the document in the form of Will was not found.

3) In para no.4, a chart has been enclosed showing the name of the legal heir of the deceased female, who was governed under Hindu Succession Act, 1956. It is submitted that the husband of the deceased has pre-deceased the deceased. The deceased has no children born out of the marriage with Dhirubhai K. Gohil (brother of the petitioner). In her lifetime she had not married to any other person apart from her husband Dhirubhai K. Gohil. Since there are no legal heirs under the provisions of the Section 15(1)(a) of the Hindu Succession Act, 1956, the petitioner being the sister of the Dhirubhai K. Gohil, who was the husband of the deceased, and sister-in-law of the deceased, and since there is no other brother-in-law or sister-in-law of the deceased, the legal heirship certificate needs to be granted in favour of the petitioner. It has been further stated that the petitioner has not filed any application to any District Court or District delegate or to any High Court for probate of any Will of the said deceased or for letters of Administration with or without the Will.

4) Having heard learned counsel appearing for the petitioner and after going through the submissions made on oath, I am satisfied that the legal heirship certificate needs to be granted.

5) 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 provisions of Bombay Regulation VIII of 1827 certifying that Kapilaben Natavarlal Harsora is the only heir 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.]