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

MISCELLANEOUS PETITION NO.1199 OF 2026

1. Shubhangi Bhikaji Naik .. Deceased
2. Bhikaji Ramnath Naik .. Deceased

Milind Bhicaji @ Bhikaji Naik .. Petitioner

Mr. Himanshu Takke, Advocate 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 Deceased – Shubhangi Bhikaji Naik and Deceased – Bhikaji Ramnath Naik who at the time of their deaths were residing at 101/09, Devji Bhuvan, S.K. Bole Road, Near Portugease Church, Dadar (West), Mumbai – 400 028. Deceased–Shubhangi, died on 19th August, 2023, predeceased the Deceased–Bhikaji who died intestate on 3rd May, 2026. The copies of the Death Certificates are annexed at Exhibits 'A' and 'B', respectively, to the Petition.

2. The Petitioner is the son of the Deceased. At paragraph no.5, 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	Milind Bhicaji @ Bhikaji Naik R/o. 101/09, Devji Bhuvan, S.K. Bole Road, Near Portugease Church, Dadar (West), Mumbai - 400 028.	43 years	Son (Petitioner)

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

4. The reasons for filing this Petition are stated at paragraph nos.7 to 10 of the Petition. It is also stated in paragraph no.11 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.

5. 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]

1 2014 SCC OnLine Bom 1193

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.

6. 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.1199 of 2026 is allowed** in terms of prayer clauses (a) and (b), which read as under :

> "(a) That a Legal Heirship Certificate be issued under the provisions of Bombay Regulation Act VIII of 1827, certifying that Milind Bhicaji @ Bhikaji Naik (the Petitioner abovenamed) is the only legal heir and representative of both the Deceased abovenamed.
>
> (b) That issuance of Proclamation be dispensed with."

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

[GAUTAM A. ANKHAD, J.]

SNEHA ABHAY DIXIT
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Date: 2026.10.22 16:26:06 +0530