

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

MISCELLANEOUS PETITION NO. 282 OF 2026

Abhijit Gopalrao Kadam **...Petitioner**

Sudha Gopalrao Kadam & Gopalrao Kadam **...Deceased**

Ms. Pooja Shah with Ms. Samiksha Ludbe i/b RJ Law for the Petitioner.

CORAM : ABHAY AHUJA, J.

DATE : 12th JUNE, 2026

P.C. :

1. By this Petition, the Petitioner, who statedly is a sole surviving legal heir of his parents seeks legal heirship certificate under the provisions of Bombay Regulation VIII of 1827 to the Petitioner.

2. Ms. Shah, learned Counsel appears for the Petitioner and submits that the parents of the Petitioner as well as the mother of the father of the Petitioner are deceased. That the mother of the father of the Petitioner pre-deceased the father of the Petitioner.

3. Ms. Shah has taken this Court through the death certificates of the parents as well as of the grand mother.

4. Ms. Shah submits that there is also a delay of more than 20 years, which may be condoned.

5. It is submitted that the deceased parents of the Petitioner have died intestate and there is no legal testamentary writing or Will.

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6. That the legal heirship certificate is required to transfer the 100% joint ownership rights, title and interest of the parents in respect of the flat no. 12, admeasuring about 600 sq.ft or thereabouts carpet area, on the 1st floor with 5 fully paid up shares bearing distinctive Nos. from 6 to 10 (both included) of Rs. 50/- each, under Share Certificate No. 6052, dated 3rd August, 1998, allotted towards the said flat no. 12, in society known as The Seventh Heaven Co-operative Housing Society Limited, situated at Buddha Mandir Lane, Parel, Mumbai-400012 (the “said flat”), issued by the society in the name of Mr. Gopal Rao Kadam (the Deceased No.2)., who was residing at the said flat at the time of his death.

7. Having heard the learned Counsel and having considered the submissions as well as the material in support of the Petition placed on record, I am inclined to condone the delay and allow the Petition in terms of prayer Clauses (a) and (b), which read thus:-

“a) That a Legal Heirship Certificate be issued under the provision of Bombay Regulation Act VIII of 1827 Certifying that Abhijit Gopalrao Kadam (son of the deceased), is the only heir and Legal representative of both the deceased.

b) That issuance of Proclamation be dispensed with.”

8. The Petition is allowed and disposed as above.

(ABHAY AHUJA, J.)