



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION (L) NO.21675 OF 2023

Ajay Arjun Sarvankar ... Petitioner
Arjun Shankar Sarvankar ... Deceased

Mr. Abhishek Nagode for Petitioner.

CORAM : MANISH PITALE, J.
DATE : NOVEMBER 2, 2023

P.C. :

1. Heard learned counsel for the petitioner.

2. By this petition filed under the provisions of the Bombay Regulation Act VIII of 1827, the petitioner is seeking issuance of legal heirship certificate in his favour. The deceased was the father of the petitioner, who died on 29.08.2020. Copy of the death certificate is placed at Exhibit-A. At the time of his death, the deceased had a fixed place of abode at Green Wood CHS, B/103, Link Road, Chikuwadi, Near Shimpoli Telephone Exchange, Borivali West, Mumbai - 400 092. It is stated that the deceased died intestate, without leaving behind any Will.

3. In paragraph 3 of the petition, the petitioner has stated that the deceased is survived by only two legal heirs i.e. his widow and the son (the petitioner himself). It is specifically stated that the parents of the deceased predeceased him and that the deceased did not have any child other than the petitioner.

4. The widow of the deceased i.e. the mother of the petitioner has given her consent affidavit, which is at Exhibit-B, wherein she has specifically stated that she has no objection to the prayer made in the

present petition being granted and that, she is giving her consent with her own free will for issuance of legal heirship certificate in favour of the petitioner without justifying her share in the estate of the deceased.

5. In view of the above, the petition is accepted and proclamation is dispensed with. In the interest of justice, the petition is allowed in terms of prayer clause (A), which reads as follows:-

“A. That this Hon'ble Court be pleased to issue a Legal Heirship Certificate to the present petitioner under the provisions of Bombay Regulation Act, VIII of 1827, certifying that the Petitioner is the only one legal heirs and representatives of the Deceased (Late) Arjun Shankar Sarvankar.”

6. The department to proceed expeditiously in the matter.

(MANISH PITALE, J.)

Minal Parab