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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.73 OF 2015**

Abhishek Vikram Vaid	...Petitioner
<i>And</i>	
Meenakshi Vikram Vaid	...Deceased

Mr. Manish Shroff, *a/w Bharat Gadhai, i/b Tejesh Dande & Associates, for the Petitioner.*
Mr. Omprakash Parihar, *for the Respondent.*

CORAM: G.S. PATEL, J
DATED: 20th June 2016

PC:-

1. The Heirship Certificate sought is in respect of Meenakshi Vikram Vaid, who died intestate in a car accident at Ramnagar (Karnataka) on 22nd September 2013. During her lifetime, the deceased was a permanent resident of Mumbai. The names of her heirs are set out below paragraph 4. The Petitioner is the deceased's son. The deceased was survived by her husband, daughter and two sons.

2. One of the other sons, Shaleen, has filed an Affidavit in which he does not oppose the grant of Heirship Certificate *per se*. He says that there are other properties that, according to him, are part of the estate of deceased but which have not been included in the present

Petition. It is true that by a previous order dated 13th January 2016, learned Advocate for the Petitioner sought leave to amend the Petition to incorporate particulars of certain properties. What the Opponent now seeks is inclusion of other properties as well.

3. The Petitioner does not, at this stage, have instructions to accept that these properties are indeed part of the estate of the deceased. In any case, the provisions of the Bombay Regulation VIII of 1827 do not require that the Heirship Certificate must be in respect of every one of the properties. The purpose of this Act is quite different. It is meant for the satisfaction and protection of third parties who require a Court order showing that an Applicant has been recognized as an heir of the deceased. It is always open to Mr. Shaleen and to make an independent application for a Heirship Certificate (or, if he is so advised for a succession certificate or for Letters of Administration) in respect of any other properties that, according to him, also require to be dealt with. That is no reason not to grant the present Petition.

4. In view of the fact that the other heirs have consented, and since the Heirship Certificate is required for certain properties at Taluka Panvel and Taluka Sudhagad in District Raigad, particulars of which have been included, the Petition is made absolute in terms of prayer clause (a), which reads as follows:

“(a) That the legal Heirship Certificate certifying that the Legal heirs mentioned in paragraph No. 4 of the Petition are the only heirs and legal representatives of the said deceased under the

Provisions of Bombay Regulation Act, VIII of 1827
may be issued to the Petitioner;"

5. It is clarified that this order will not come in the way of any application made by Mr. Shaleen Vaid for an appropriate Heirship Certificate, Succession Certificate or Letters of Administration.

(G. S. PATEL, J.)