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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 10 OF 2016**

Vanita Sunil Hedau & 2 Others	...Petitioners
<i>Versus</i>	
Naresh Shamrao Hedau & 3 Ors.	...Respondents

Mr. V.P. Vaze, with Ms. Minoca Naik, for the Petitioners.
Mr. Jagdish H. Sawant, for the Respondents.

CORAM: G.S. PATEL, J
DATED: 21st March 2016

PC:-

1. This is a Petition for revocation of a Heirship Certificate issued on 23rd March 2015. I have heard Advocates for both sides.

2. In my view, the Petition is wholly misconceived. The three Petitioners are admittedly heirs of the deceased, one Shamrao Hedau. They were mentioned in the original Petition for Heirship Certificate, viz., Miscellaneous Petition No. 119 of 2014. The names of all three revocation Petitioners were set out in the table below paragraph 4 of that Miscellaneous Petition. It is not in dispute that the Heirship Certificate that was finally issued includes the names of the three revocation Petitioners as well.

3. Mr. Vaze for the revocation Petitioners submits that the Petitioners have what he calls a “preferable title” to certain tenancy premises. According to him, under Section 7 of Bombay Regulation VIII of 1827, this is sufficient reason for revocation. Indeed, it is not. Section 2 of the Bombay Regulation VIII makes it clear that a Heirship Certificate is not necessary but is issued only to enable third parties to feel “safer” when they are dealing with persons who claim to represent the estate of the deceased. Section 7 makes it clear that the issue of a Heirship Certificate does not confer any right to property. It does not finally determine or confer rights in person and only indicates the person/s who for the time being are in legal management of the deceased’s estate. Clearly, the Heirship Certificate does not deal with any question as to the title of any particular property. It is for the heirs to take such civil proceedings as they may be advised against each other to establish that one or more of them have a preferential right to any particular property, tenanted or otherwise. All rights in that respect are necessarily kept open and remain unaffected by the grant of a Heirship Certificate.

4. The only reason to annul a Heirship Certificate would be if it was shown that a revocation Petitioner was an heir so placed in the law of succession that his position in that line of succession would result in other persons not being heirs in law. This is not even the suggestion of the revocation Petitioners before me.

5. Mr. Vaze then submits that no individual notice was given to the revocation Petitioners. That is correct. It is, however, also correct that a proclamation was issued. This is noted in the order

granting Heirship Certificate. Bombay Regulation VIII requires issuance of a proclamation and not the issuance of individual notices.

6. In my view, these clarifications are sufficient to protect the interests of the present Revocation Petitioners. At the cost of repetition, it is once again clarified that all the Revocation Petitioners' rights, and all their remedies and contentions in respect of all properties in the estate of the deceased or in which he had any interest are left undisturbed and untouched by the grant of Heirship Certificate.

7. The Miscellaneous Petition is dismissed with these observations. There will be no order as to costs.

(G. S. PATEL, J.)