

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

MISCELLANEOUS PETITION NO.167 OF 2016

Jimit Yogesh Zaveri

.....Petitioner

V/s.

Yogesh Jagjivandas Zaveri

....Deceased

Mr. Ali H. Naqvi i/b. Hasnain Y. Naqvi for the petitioner.

Mr. Jimit Yogesh Zaveri, petitioner present in person.

CORAM : K.R.SHRIRAM,J

DATE : 4th JANUARY, 2017

P.C.:-

1 Accepted. The petitioner is the son and one of the legal heirs of the deceased - Yogesh Jagjivandas Zaveri. It is stated in the petition that the wife of the deceased predeceased the deceased on 14th December, 2009. In paragraph 4 of the petition it is mentioned that the petitioner and one Neha Dilipkumar Sagar, daughter of the deceased are the only legal heirs. The daughter – Neha Dilipkumar Sagar has consented to the issuance of Heirship Certificate as prayed for in the petition. Therefore, issuance of proclamation is dispensed with. Miscellaneous Petition is returnable forthwith and taken up for hearing and final disposal.

2 The petitioner is seeking a Legal Heirship Certificate under Section 2 of the Bombay Regulation VIII of 1827, in respect of one Yogesh Jagjivandas Zaveri, who is said to have died intestate on 1st April, 2016. A photocopy of the death certificate is annexed to the petition.

3 During the lifetime of the deceased, the deceased had taken a Life Insurance Policy bearing No.2200823 dated 4th March, 1981 from American Life Insurance Company, Wilmington, Delaware, U.S.A. The petitioner when he approached the Insurance Company, the petitioner was advised to obtain the Heirship Certificate to enable the Insurance Company to consider the claim of the petitioner as the son and legal heir of the deceased. The Legal Heirship Certificate is needed for claiming the insurance money payable under the said Policy issued by the American Life Insurance Company.

4 The petitioner has stated in paragraph 11 of the petition that no other application has been filed for any probate or letters of administration with or without will or for succession certificate. Mr. Naqvi, counsel for the petitioner, on instructions from the petitioner, who is present in court states that the petitioner has not applied for any other Heirship Certificate. The other legal heir – Neha

Dilipkumar Sagar has also filed an affidavit of consent affirmed on 15th November, 2016. Therefore, there is no impediment to the grant of relief.

5 The petition is made absolute in terms of prayer clause –
(a) which reads as under :

“(a) That a Legal Heirship Certificate, certifying that 1] Jimit Yogesh Zaveri (son and petitioner) and 2] Neha Dilip Sagar (married daughter) are the only heirs and legal representatives of the deceased under the provisions of Bombay Regulation VIII of 1827.”

6 All concerned to act on a copy of this order duly authenticated by the Associate of this court.

(K.R.SHRIRAM,J)