

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 6 OF 2017**

Devendra Amritraj Mehta .. Deceased

Sushma Devendra Mehta .. Petitioner

Ms.Lakshmi Raman for petitioner.

**CORAM : K.R.SHRIRAM, J.
DATE : 1ST FEBRUARY, 2017**

P.C.

1 Accepted.

2 The petitioner is one of the legal heir of the deceased one Devendra Amritraj Mehta who died near Palghar in a car accident on 27th November 2015. It is stated in the petition that the only legal heir, apart from the petitioner, is the minor son Shreyansh Devendra Mehta, aged 17 years and 3 months. The petitioner has filed a further affidavit, dated 30th January 2017 to which copies of two death certificates are annexed being death certificate of the father of the deceased viz., Amrit Raj Mehta and the mother of the deceased-Jaskanwar A. Mehta. Hence issuance of proclamation is dispensed with.

3 The miscellaneous petition is made returnable forthwith and taken up for hearing and final disposal.

4 The petitioner is seeking a Legal Heirship Certificate under Section 2 of the Bombay Regulation Act VIII of 1827 in respect of the deceased Devendra Amritraj Mehta who is stated to have died intestate. A copy of the death certificate is also annexed at Exh.'A' to the petitioner.

5 The deceased was survived by his widow as the petitioner and his minor son as mentioned in paragraph 4 of the petition. As stated above, the father and mother of the deceased are predeceased. During life time of deceased, certain properties from the residence and office of the deceased were seized/confiscated by the CBI (ACB), Mumbai during the course of their investigation in RC.MAI 2015 A 001 registered with the CBI, Chennai. The properties included cash amount of Rs.55,00,000/-, a mobile phone, a tablet and some work related papers.

6 During the lifetime of the deceased, the deceased had filed Misc. Petition 403 of 2015 in RC.MAI 2015 A 001 before the Hon'ble Court of the Principal Sessions Judge for CBI cases at Chennai for return of the aforesaid properties which were seized by the CBI(ACB), Mumbai. That application is pending. When the petitioner applied to substitute her name in the Return of Property application as the legal heir of the deceased, it is stated that the Principal Sessions Judge for CBI cases directed the petitioner to produce

Heirship Certificate. This is one of the reason for which the petitioner has filed this application.

7 In the petition, it is stated that the petitioner has not filed nor made any application to any District Court or District Delegate or to any High Court for Probate of any Will or for Letters of Administration with or without Will annexed thereof or for Succession Certificate to the property and credits of the deceased. There is no impediment to grant the reliefs.

8 In the circumstances, the petition is made absolute in terms of prayer clause (a). Heirship certificate be granted in favour of the persons mentioned in paragraph 4 of the petition, viz., Sushma Devendra Mehta and Shreyansh Devendra Mehta.

9 All concerned to act on a copy of this order authenticated by Associate of the Court.

(K.R. SHRIRAM, J.)