

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
TESTAMENTARY AND INTESTATE JURISDICTION  
MISCELLANEOUS PETITION NO. 128 OF 2017**

|                         |                |
|-------------------------|----------------|
| Cyrus Home Behram & Ors | ...Petitioners |
| <i>And</i>              |                |
| Home Khurshed Behram    | ...Deceased    |

---

**Ms Sanobar Nanavati, for the Petitioners.**

---

**CORAM: G.S. PATEL, J  
DATED: 17th January 2018**

**PC:-**

1. The Petition was accepted on 11th October 2017. Ms Nanavati seeks dispensation with the proclamation on the basis that the Petitioners are the only heirs. They are the sons of the deceased.
2. The order dated 11th October 2017 is partly modified. Proclamation is dispensed with.
3. In this view of the matter, the Petition is made returnable forthwith and taken up for hearing and final disposal.
4. The Petitioner seeks a Legal Heirship Certificate under Section 2 of Bombay Regulation VIII of 1827 in respect of one Home Khurshed Behram, who is said to have died intestate in

Mumbai, where he was ordinarily resident, on 1st June 2014. A copy of his death certificate is annexed. The deceased was survived by his three sons who are the Petitioners and whose names are shown in a tabulation below paragraph 3 of the Petition.

5. During his lifetime the deceased lived in Flat No. 34, Cusrow Baug, Colaba, Mumbai 400 001. The Legal Heirship Certificate is required for submission to the Bombay Parsee Punchayet Trust and Funds since the deceased was a tenant in respect of this flat and the Petitioners seek a transfer of the tenancy rights.

6. The deceased died without leaving a Will. No other Petition for a heirship certificate, succession certificate, probate or letters of administration with or without will annexed has been filed.

7. There is no impediment to the grant of relief. The petition is made absolute in terms of prayer clause (a) in favour of the persons mentioned in the table below paragraph 3, namely, Cyrus Home Behram, Hoshang Home Behram and Vispi Home Behram.

8. All concerned to act on an authenticated copy of this order.

9. The Heirship Certificate is to be issued on a priority basis.

**(G. S. PATEL, J)**