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

MISCELLANEOUS PETITION NO.153 OF 2021

Kumar Vimal Unni

...Petitioner

Late Unni Krishnan Puthenveedu

...Deceased

Mr. B.G. Saraf, for the Petitioner.

CORAM : R.I. CHAGLA J

DATE : 25 October 2021

ORDER :

1. Heard learned Advocate for the Petitioner.
2. By this Petition, the Petitioner is seeking grant of heirship certificate certifying that the Petitioner Kumar Vimal Unni being son along with Nair Aishwarya Unni, being married daughter and Saradamma Puthenveedu being mother to be declared as the legal heirs and legal representatives of the deceased late Unni Krishnan Puthenveedu under the provisions of the Bombay Regulation Act VIII of 1827.

3. The Petitioner has in paragraph 4 of the Petition stated that the only heirs and next of kin as per Hindu Succession Act, 1956 are the persons mentioned therein and those include the Petitioner, the son of the deceased, Nair Aishwarya Unni, married daughter of the deceased and Saradamma Puthenveedu, mother of the deceased. It is stated that the wife of the deceased, pre-deceased the deceased. Save and except the persons mentioned above the deceased left no other legal heirs.

4. The other legal representatives mentioned have given their consent Affidavits which are dated 9th August, 2021 of the mother of the deceased, Saradamma Puthenveedu and consent Affidavit of married daughter of the deceased, Nair Aishwarya Unni dated 18th August, 2021.

5. The Petitioner in paragraph 7 of the Petition has stated that the heirship certificate is required to be granted for claiming immovable and movable properties of the deceased, the particulars of which have been given in paragraph 7 of the Affidavit. It is stated that since the Petitioner along with other heirs are claiming these movable and immovable properties,

heirship certificate is necessary for the transmission of the above mentioned properties in favour of the Petitioner along with other heirs of the deceased.

6. In view of what has been stated in the Petition, there is no impediment to the grant of heirship certificate to the Petitioner and accordingly the Petition is allowed in terms of prayer clause (a) which reads thus:-

“(a) That this Honorable Court be pleased to grant of heirship certificate certifying that the Petitioner Kumar Vimal Unni being son along with Nair Aishwarya Unni, being married daughter and Saradamma Puthenveedu being mother to be declared as the legal heirs and legal representatives of the deceased late Unni Krishnan Puthenveedu under the provisions of the Bombay Regulation Act VIII of 1827.”

7. Proclamation is dispensed with.

8. Accordingly Miscellaneous Petition is disposed of in the above terms.

[R.I. CHAGLA J.]