

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

MISCELLANEOUS PETITION NO. 28 OF 2022

Jyotsna Balwantri Shukla alias
Jyotsna Balwantraai Shukla ... Deceased

And

Nikhil Balwantraai Shukla & Ors. ... Petitioners

Ms. P.M. Bhansali a/w Mr. Manoj Mane for the Petitioners.

CORAM : R.I. CHAGLA, J.

DATED : 29th APRIL, 2022.

ORDER :

1 By the present Petition, the Petitioners seeks a legal heirship certificate under Section 2 of Bombay Regulation Act, VIII of 1827 in respect of the deceased Jyotsna Balwantraai Shukla who expired at Mumbai on 09.04.2020. A copy of the death certificate is annexed at Exhibit-A to the Petition. The deceased was survived by the three Petitioners who are the sons of the deceased and one married daughter, the particulars of which are given in the tabular form at paragraph 4 of the Petition. Save and except the legal heirs and next of kins of the

deceased mentioned therein, there are no other legal heirs left by the deceased.

2 It is stated in paragraph 9 of the Petition that the Legal Heirship Certificate is required to produce before the MHADA for transfer of tenancy rights with respect to the Tenement No.68 Aram Nagar Part-II, Opposite Police officer Colony, J.P. Road, Versova, Andheri (W), Mumbai 400 061, in the names of the Petitioners.

3 There is consent affidavit which has been filed by the other legal heir of the deceased namely Geeta Girish Jani, who is married daughter of the deceased and which is at Exhibit-F-1 at page 24 to the Petition whereby she has given her full and free consent for issuance of Legal Heirship Certificate of the deceased in favour of the Petitioners without service of any proclamation upon her and without justifying any surety for share in the property left by the deceased.

4 No other Petition for legal heirship certificate, succession certificate, probate or letters of administration with or without will annexed has been filed. I do not find any impediment in granting the relief sought for in the present Petition.

5 The Petition is accepted and made absolute in terms of prayer
clause (a) which reads thus :

“a. That a Legal Heirship Certificate be issued under the provision of Bombay Regulation Act VIII of 1827, Certifying that (1) Geeta Girish Jani, (Married Daughter of the Deceased), (2) Nikhil Balwantraai Shukla (Son of the Deceased and Petitioner No.1 herein), (3) Nayan Balwantraai Shukla (Son of the Deceased and Petitioner No.2 herein) and (4) Bharat Balwantraai Shukla (Son of the Deceased and Petitioner No.3 herein), are the only heirs and Legal representatives of the Deceased.”

6 Proclamation is dispensed with.

7 The Miscellaneous Petition is accordingly disposed of. No
order as to costs.

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signed by
WAISHALI
SUSHIL
WAGHMARE
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(R.I. CHAGLA, J.)