

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

MISCELLANEOUS PETITION NO. 29 OF 2022

Sunanda Tapan Chatterjee ... Deceased

And

Tapas Tapan Chatterjee ... Petitioner

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

CORAM : R.I. CHAGLA, J.

DATED : 29th APRIL, 2022.

ORDER :

1 By the present Petition, the Petitioner seeks a Legal Heirship Certificate under Section 2 of Bombay Regulation Act, VIII of 1827 in respect of the deceased Sunanda Tapan Chatterjee, who expired at Mumbai on 10.09.2018. A copy of the death certificate is annexed at Exhibit-A to the Petition. The deceased was survived by the Petitioner who is the son of the deceased. The particulars of the Petitioner are mentioned in the tabular form at paragraph 4 of the Petition. It is stated therein that save and except the Petitioner, there are no other legal heir or next of kin 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.71, Aram Nagar, Part-2, Opp. Police Officer Colony, Machlimar, Versova Road, Versova, Andheri (W), Mumbai 400 061, in the name of the Petitioner.

3 Considering that the Petitioner is the only surviving legal heir of the deceased, there is no question of consent of any other legal heir is required in the present case.

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 Tapas Tapan Chatterjee (Son and Petitioner herein) is the only heir and Legal representative of the Deceased.”

6 Proclamation is dispensed with.

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

(R.I. CHAGLA, J.)

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SUSHIL
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