

Sharayu Khot.

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

MISCELLANEOUS PETITION NO. 182 OF 2022

Rayomand Burzor Joshi

...Petitioner

And

Burzor Rustum Joshi

...Deceased

Mr. Prabhu Velar for the Petitioner.

CORAM : R.I. CHAGLA J

DATE : 26 August 2022

ORDER :

1. By the present Petition, the Petitioner seeks a Legal Heirship Certificate under Section 2 of Bombay Regulation VIII of 1827 in respect of the deceased Burzor Rustum Joshi, who expired in Mumbai on 26th April 2021. A copy of her death certificate is annexed at Exh.A to the Petition.

2. The deceased was survived by the Petitioner who is the son of the deceased as well as by the widow and another son of the deceased, particulars are mentioned in the tabular form at paragraph

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4 of the Petition. Save and except his legal heirs mentioned, there are no other legal heirs surviving the deceased.

3. It is stated in paragraph 9 of the Petition that the Legal Heirship Certificate is required to be produced before the Mamlatdar and Tehsildar in the State of Maharashtra for the purpose of change in the revenue records standing in the name of the deceased and completing the legal formalities.

4. The other legal heirs of the deceased have filed their Consent Affidavits dated 24th February 2022 giving their full and free consent for being granted the Legal Heirship Certificate in favour of the Petitioner without service of proclamation and without justifying their share in the estate of the deceased.

5. No other Petition for a heirship certificate, succession certificate, probate or letters of administration with or without will annexed has been filed. There is no impediment to the grant of relief in the present Petition.

6. The Petition is accepted and made absolute in terms of

prayer clause (a), which reads thus:-

“(a) This Hon’ble Court be pleased to issue a Legal Heirship Certificate to the petitioner under the provision of Bombay Regulation VIII of 1827 certifying that (1) Mrs. Zarin Burzor Joshi (widow) (2) Dr. Meherwan Burzor Joshi (Son) and (3) Mr. Rayomand Burzor Joshi (Son) are the only legal heirs and Legal representatives of the deceased i.e. Burzor Rustum Joshi.”

7. Proclamation is dispensed with.
8. Miscellaneous Petition is accordingly disposed of.
9. No order as to costs.

[R.I. CHAGLA J.]