

K.S. Jadhav

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

MISCELLANEOUS PETITION NO. 25 of 2022

Neha Atul Patel **...Petitioner**

Versus

Atul Shamubhai Patel **...Deceased**

Mr. T.G. More, Advocate for the Petitioner.

CORAM : R.I. CHAGLA, J.

DATE : 10th November, 2022.

ORDER :

1. By the present petition, the Petitioner seeks a Legal Heirship Certificate under Section 2 of the Bombay Regulation VIII of 1827 in respect of the deceased Atul Shamubhai Patel, who expired at Mumbai on 5th October, 2020. The copy of the Death Certificate is annexed to the Petition at Exhibit-A.

2. The deceased was survived by the Petitioner who is wife of the deceased as well as one daughter and one son, the particulars of whom are given in the tabular form at paragraph

4 of the Petition. Except these persons who are legal heirs of the deceased mentioned therein, the deceased was survived by no other legal heir.

3. It is stated in Paragraph 9 of the Petition that the Legal Heirship Certificate is required to be produced before the concerned Bank i.e. Bank of India, Branch Electric House, Mumbai for certain dues viz. Provident Fund which was due to the deceased and is being claimed by the Petitioner.

4. The other legal heirs of the deceased have filed their Consent Affidavit dated 10th March, 2021, wherein they have given their full and free consent to grant Legal Heirship Certificate in favour of the Petitioner, without justifying their share in the estate of the deceased and without service of the Proclamation / Citation / Notice upon them.

5. No other petition for Legal Heirship Certificate, Succession Certificate, probate or letters of administration with or without will annexed has been filed. There is no impediment to grant of relief sought for in the present Petition.

- i) The Petition is accordingly accepted and made absolute in terms of prayer clause (B), which reads thus:-

*“(B) 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 the petitioner alongwith the heirs mentioned above in **para 4** are the only heirs and legal representatives of the said deceased.”*

- ii) Proclamation is dispensed with.
- iii) Miscellaneous Petition is accordingly disposed of.
- iv) No order as to costs.

[R.I. CHAGLA J.]