

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

MISCELLANEOUS PETITION NO.165 OF 2022

Liji Prasad Abraham ...Petitioner

And

Vazhanacheril Abraham Mathai ...Deceased

Mr. Avinash Joshi for Petitioner.

CORAM : R. I. CHAGLA, J.

DATED : 29th JULY, 2022.

P.C.

1. Heard learned counsel for the Petitioner.
2. By the present Petition, the Petitioner seeks a Legal Heirship Certificate under Section 2 of the Bombay Regulation Act, VIII of 1827, in respect of the deceased-Vazhanacheril Abraham Mathai, who expired in Mumbai on 27th June 2012. A copy of the death certificate is annexed at Exhibit-A to the Petition.
3. The Petitioner is the daughter of the deceased. The particulars of the legal heirs of the deceased which includes two sons, another daughter of the deceased and the Petitioner, the daughter of the deceased is set out in the tabular form in para 4 of

the Petition. Save and accept the legal heirs mentioned therein, there are no other legal heirs surviving of the deceased.

4. It is stated in para 7, 8 and 11 of the Petition that the reasons for the Petitioner requiring the Legal Heirship Certificate to be issued includes for applying to the concerned authorities of Malappuram District in the state Kerala and other Government bodies as well as Semi-Government Bodies for completion of completion of legal formalities to enter the names of the legal heirs of the deceased in respect of the properties of the deceased as well as for submitting to the competent authority to change the mutation entries and other documents for which the Petitioner had earlier obtained Succession Certificate in respect of the debts left by the deceased on 11th November 2013.

5. The other legal heirs of the deceased have filed their Consent Affidavits which are on record and by which they have given full and free consent for the Legal Heirship Certificate to be granted in favour of the Petitioner without justifying their shares in the estate of the deceased and/or service of proclamation/ citation.

6. No other Petition for 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.

7. The Petition is accepted and made absolute in terms of prayer clause (a) which read thus:-

“(a). That this Hon’ble Court be pleased to condone the delay in filing present Petition;”

8. Issuance of proclamation is dispensed with.

9. Miscellaneous Petition is accordingly disposed of. There shall be no order as to costs.

10. This order will be digitally signed by the Personal Assistant/Private Secretary of this Court. All concerned will act on production of a digitally signed copy of this order.

(R. I. CHAGLA, J.)