

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

MISCELLANEOUS PETITION NO.178 OF 2021

Pushpavalli Shankaranarayana Iyer ...Petitioner

And

V. K. Krishnan Alias Vettaikarankav

Kachapeswaran Krishnan ...Deceased

Ms. Deepti Chand 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-V. K. Krishnan Alias Vettaikarankav Kachapeswaran Krishnan, who expired in Mumbai on 12th December 2018. A copy of the death certificate is annexed at Exhibit-A to the Petition.
3. The Petitioner is a widow of the deceased. The particulars of the Petitioner as well as the other legal heir of the

deceased being the son of the deceased are mentioned in the tabular form at para 4 of the Petition. Save and except the legal heirs mentioned therein, there are no other legal heirs surviving the deceased.

4. It is stated in para 7 of the Petition that the Legal Heirship Certificate is required by the Petitioner to produce before the concerned authorities of Mumbai in the State of Maharashtra and Thiruvananthapuram in the State of Kerala for the purpose of completing the legal formalities and for creation of rights as legal heirs of the deceased for the purpose of entering their name in all records wherever necessary. The deceased during his lifetime held assets in Mumbai and Thiruvananthapuram in the State of Kerala as mentioned at Exhibit-C of the Petition including immovable properties in Mumbai as well as Thiruvananthapuram in the State of Kerala as mentioned. The Petitioner requires the Legal Heirship Certificate for transfer of these assets and immovable properties in the name of legal heirs of the deceased before the competent authorities in Mumbai and Thiruvananthapuram in the State of Kerala.

5. The other legal heir of the deceased namely the son of the deceased has filed the Consent Affidavit giving No Objection to Legal Heirship Certificate granted in favour of the Petitioner without service of proclamation/citation and notice upon him and without justifying the share in the estate of the deceased. The Consent Affidavit has been notarized on 7th November 2020.

6. 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 the grant of relief.

7. The Petition is accepted and made absolute in terms of prayer clause (a) which read 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 the Petitioner alongwith the heirs mentioned above in para 4 are the only heirs and legal representatives of the said deceased.”

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.)