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

MISCELLANEOUS PETITION NO.148 OF 2022

Sandra Alex W/o. Roy Alex

...Petitioner

Versus

Roy Chacko Alex

...Deceased

Mr. S.U. Lakdawala with Mr. Vijay Badgujar for the Petitioner.

CORAM : R.I. CHAGLA J.

DATE : 15TH SEPTEMBER, 2022

ORDER :

1. By this present Petition, the Petitioner seeks Legal Heirship Certificate under Section 2 of the Bombay Regulation Act, VIII of 1827 in respect of the deceased Roy Chacko Alex. A copy of the death certificate is annexed at Exhibit 'A' to the Petition. The deceased was survived by the Petitioner who is the widow of the deceased as well as two sons of the deceased mentioned in the tabular form at paragraph 4 of the Petition. Save and except those mentioned therein, there are no other legal heirs surviving the deceased.

2. It is stated in paragraph 6 that the deceased was owner of movable and immovable properties situated in Mumbai and Kerala and on his demise, the Petitioner and other legal representatives have approached the concerned authorities, wherein they have insisted for submitting Legal Heirship Certificate declaring them as legal heirs of the deceased.

3. The other heirs of the deceased have filed their consent affidavits dated 18th April, 2022 by which they have given their full and free consent for issuance of the Legal Heirship Certificate in favour of the Petitioner without service of any proclamation upon them and without justifying any surety for their share in the property left by the deceased.

4. No other Petition for Legal Heirship Certificate, Succession Certificate, Probate or Letters of Administration with or without Will annexed, has been filed. Therefore, I do not find any impediment in granting the reliefs sought for in the present Petition.

5. The Petition is accepted and allowed in terms of prayer clause (a) which reads thus:-

“(a) That a Legal Heirship Certificate be granted in favour of the Petitioner along with heirs mentioned in para 4 above certifying them as legal heirs / representative of the said deceased under the provision of Bombay Regulation Act, VIII of 1827.”

6. Proclamation is dispensed with.
7. The Petition is accordingly disposed of. No order as to costs.

[R.I. CHAGLA J.]