

Sharayu Khot.

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

MISCELLANEOUS PETITION NO. 123 OF 2022

Virendra Yatendra Shekhawat ...Petitioner

And

Yatendrasingh Dayashankar Shekhawat ...Deceased

Ms. Asha Nair for the Petitioner.

CORAM : R.I. CHAGLA J

DATE : 26 August 2022

ORDER :

1. By the present Petition, the Petitioner seeks an Legal Heirship Certificate under Section 2 of Bombay Regulation VIII of 1827 in respect of the deceased Yatendrasingh Dayashankar Shekhawat who expired in Mumbai on 29th November 2020. 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 another son of the deceased and two daughters of the deceased. The particulars of the legal heirs are

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mentioned in the tabular form at paragraph 4 of the Petition. Save and except the legal heirs mentioned in tabular form, the deceased left no other legal heirs.

3. It is stated in paragraph 6 of the Petition that the Legal Heirship Certificate is required in respect of the properties of the deceased and for loan which has been taken from HDFC Bank for mortgaging the flat. The said loan has been repaid, but the bank has refused to handover the original title deeds and requested the legal heirs of the deceased for production of Legal Heirship Certificate. Further, the Legal Heirship Certificate is required for changing the mutation entries in the revenue records in respect of the property situated in Village Daurai, District Ajmer, Rajasthan in place of the deceased.

4. The other heirs of the deceased have filed their Consent Affidavits dated 5th April 2022, 7th April 2022 and 11th April 2022, by which they have given their full and free consent for grant of Legal Heirship Certificate in favour of the Petitioner without service of any notice upon them.

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) That a Legal Heirship Certificate Certifying that the Petitioner along with the heirs mentioned in para 4 above being the only heirss and legal representative of the said deceased under the Provision of Bombay Regulation Act, VIII of 1827.”

7. Proclamation is dispensed with.

8. Miscellaneous Petition is accordingly disposed of.

9. No order as to costs.

[R.I. CHAGLA J.]