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

MISCELLANEOUS PETITION NO.200 OF 2022

Sharadchandra Lallubhai Patel alias ...Petitioner
Sharadbhai Lallubhai Patel alias Sharad
Lallubhai Patel

Versus

Maniben Lallubhai Patel ...Deceased

Mr. Sid Desai for the Petitioner

CORAM : R.I. CHAGLA J.
DATE : 15TH SEPTEMBER, 2022.

ORDER :

1. The learned Advocate for the Petitioner has moved for prapice dated 15th September, 2022 seeking leave to amend paragraph 1 of the Miscellaneous Petition to substitute the name of deceased which is as mentioned "Late Lallubhai Makanji Patel" with "Late Maniben Lallubhai Patel" as also date of death of the deceased which mentioned as "12th March, 1996" to be corrected to read as "13th October, 2012."

2. Leave is granted. The learned Advocate for the Petitioner shall amend paragraph 1 as sought forthwith. Re-verification is

dispensed with.

3. 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 Maniben Lallubhai Patel who expired at Mumbai on or about 13th October, 2012. A copy of the death certificate is annexed at Exhibit 'A' to the Petition. The deceased was survived by the Petitioner who is the son of the deceased and another son and married daughter 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.

4. It is stated that the Legal Heirship Certificate is required for the Petitioner to be produced before the concerned Authorities of Palghar District and other Government bodies as well as Semi Government bodies for the purpose of completing the legal formalities of entering the name of the Petitioner as one of the legal heirs of the deceased in all official records as required by the said authorities as well as for record of the Petitioner for future use.

5. The other legal heirs of the deceased aforementioned

have filed their consent Affidavits dated 7th May, 2022. By these Affidavits they have given their no objection for the issuance of the legal heirship certificate in favour of the Petitioner without service of proclamation / citation / notice upon them and without justification of their share in the estate of the deceased.

6. 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.

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

“(b) That the Hon’ble Court be pleased to issue a Legal Heirship Certificate under the provision of Bombay Regulation VIII of 1827 certifying that the Petitioner along with the heirs mentioned in paragraph 4 are the only heirs and legal representatives of the said deceased.”

8. Proclamation is dispensed with.

9. The Petition is accordingly disposed of. No order as to costs.

[R.I. CHAGLA J.]