

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 178 OF 2022**

Rahul Ayyappan	...	Petitioner
V/s.		
Ayyappan @ Govindan Ayyappan Pillai ... -(Deceased)		Respondent

Ms. Rasika Pawar for the Petitioner.

CORAM : VALMIKI SA MENEZES, J.

DATED : NOVEMBER 16 , 2022.

P.C. :

1. The Petitioner seeks a Legal Heirship Certificate under section 2 of Bombay Regulation VIII of 1827 in respect of deceased Ayyappan @ Govindan Ayyappan Pillai, who expired on 27th April 2011. The deceased was residing at B-306, Serenity Heights, Link Road, Near Whispering Heights Mindspace, Chincholi Bunder, Mumbai, Malad (W) Dely Mumbai, Maharashtra-400 064. A copy of his death certificate is at "Exhibit-A" to the Petition. Aadhar Card of deceased has been produced as a proof of his resident certificate. The wife of deceased is pre-deceased who expired on 26th September 2016. A copy of death certificate of deceased wife is at "Exhibit-C", page 18 to the petition.

2. It is the case of the petitioner that besides the petitioner and his brother, both are shown as the only legal heirs of deceased

Govindan Ayyappan in the tabular form at paragraph 5 of the petition. There are no other legal heirs to the estate of the deceased Govindan Ayyappan. Aadhar Cards of two legal heirs are annexed to the petition at 'Exhibits-C and D' respectively. Both legal heirs were residing with the deceased at the same address. It is stated that the deceased died intestate.

3. The petitioner further stated that the Legal Heirship Certificate is required for the purpose of releasing title documents of the flat where the deceased and the heirs resided, which are in possession of ICICI Bank Ltd. i.e. Vile parle Branch, Mumbai has borne out a letter at Exhibit-F, page 20 of the petition.

4. Consent of the heirs – Ashwin Ayyappan is recorded through his affidavit at page 24 of the petition for the issuance of Legal Heirship Certificate. Since the consent has been obtained from the other heirs, there is no case for issuance of proclamation and the same is dispensed with.

5. Considering all the above facts. There is no impediment to the grant of relief.

6. The Petition is made absolute in terms of prayer clause (a) in favour of the petitioner, which is reproduced hereunder :

“ This Hon’ble Court be pleased to issue a Legal Heirship Certificate to the Petitioner under the provision

of Bombay Regulation VII of 1827 certifying that the Petitioner along with the heirs mentioned in Paragraph No.5 above are the only heirs and legal representative of the said deceased”

7. Registry to act upon this order and issue Legal Heirship Certificate.

(VALMIKI SA MENEZES, J)