

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.226 OF 2022**

Late Mukesh Kantilal Rajput

... Deceased

Rohini Mukeshkumar Rajput

... Petitioner

Ms. Seema Singh for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 02ND DECEMBER 2022

P.C. :

1. The Petitioner seeks a Legal Heirship Certificate under the provisions of Section 2 of the Bombay Regulation Act VIII of 1827 in respect of deceased Mukesh Kantilal Rajput (“the said deceased”), who died on 14/04/2018. The said deceased was the permanent resident of Mumbai, however, passed away in Gujarat on 14/04/2018.

2. It is stated that the said deceased died intestate and was surviving by his only legal heirs and next of kins, as has been set out in the Table in Paragraph 4 of the Miscellaneous Petition. It is stated that the legal heirs constitute his mother, widow and three minor daughters and except them, there are no other legal heirs. The consent affidavits of the legal heirs are placed on record.

3. The Petitioner requires the Heirship Certificate to produce the same before the concerned authorities of GIC Housing Finance Limited Bank, Virar (W), Thane ('the Bank') in order to obtain the original papers of the Room No.204, Building No.7, Shiv Samat CHS, Shailendra Nagar, MHADA Colony, Dahisar (E), Mumbai – 400 068, which belongs to the deceased and which are presently lying in the custody of the Bank. It is stated that the original papers were deposited with the Bank as and by way of equitable mortgage, by the deceased, prior to his death and the Bank is refusing to return the same in the absence of the Legal Heirship Certificate.

4. The Petitioner states that no other Petition for Legal Heirship Certificate, Succession Certificate, Probate or Letters of Administration with or without Will annexed has been filed. Therefore, there is no impediment to the grant of relief.

5. The Miscellaneous Petition is, therefore, made absolute in terms of prayer clause (A) in favour of the Petitioner, which reads thus :-

A) This Hon'ble Court be pleased to issue a Legal Heirship Certificate to the petitioner under the provisions of the Bombay Regulation VIII of 1827 certifying that the petitioner along with the heirs

mentioned above in Para 4 are the only heirs and legal representatives of the said deceased."

6. Proclamation is dispensed with.
7. Miscellaneous Petition is accordingly disposed of.
8. No order as to costs.
9. All concerned to act on the authenticated copy of this order.

(ARIF S. DOCTOR, J.)