

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

MISCELLANEOUS PETITION NO.212 OF 2022

Naresh Ashanand Thapar

.. Petitioner

Ashanand Gurudasmal Thapar

.. Deceased

Ms. Sneha Pogle, i/by Yash Legal, for the Petitioner.

CORAM : VALMIKI SA MENEZES, J.

DATE : 17TH NOVEMBER, 2022.

P.C. :

1. By this petition, the petitioner seeks issuance of Legal Heirship Certificate, under Section 2 of the Bombay Regulation VIII of 1872, in respect of Late Ashanand Gurudasmal Thapar, who died intestate on 15th September 2002. A copy of his Death Certificate is annexed as Exhibit-A (page 13) to the petition. The Election Card of the deceased, showing his place of abode as Nehru Nagar, Kurla (West), Mumbai, is produced on record as Exhibit-E (page 14) to the petition.

2. The petitioner, who is the son of the deceased, states that the legal heirs of the deceased are listed in a table at para 4 on page 3 of the petition; they being the petitioner himself, one son – Pavan and two daughters – Neelam and Sadhana. Besides the petitioner, the other children i.e. Pavan, Neelam and Sadhana have filed their consent affidavits, which are annexed

to the petition at pages 35, 29 and 32 respectively, wherein they have specifically recorded their consent to grant Legal Heirship Certificate in favour of the petitioner, which includes their names as heirs of the deceased.

3. It is stated in the petition that the Legal Heirship Certificate is required for the purpose of reconstituting a Dealership Agreement, which the deceased had with Indian Oil Corporation Ltd., in terms of the Memorandum of Agreement dated 22nd February 1999, a copy of which is produced on record as Exhibit-E (page 17) to the petition. The remaining heirs have recorded their consent to the petitioner reconstituting Dealership Agreement in terms of the Memorandum of Agreement dated 22nd February 1999 with Indian Oil Corporation Ltd. Accordingly, proclamation is dispensed with.

4. Considering all the above facts and the documents produced on record, I find no impediment in granting Legal Heirship Certificate to the petitioner. Accordingly, the petition is made absolute in terms of prayer clause (A), which reads thus :-

“(A). This Hon’ble Court be pleased to issue a Legal Heirship Certificate to the petitioner and other legal heirs mentioned in para no.4, under the provisions of Bombay Regulation VIII of 1827, certifying that the petitioner is one of the heirs and legal representatives of the said deceased.”

5. Registry to act upon this order and issue Legal Heirship Certificate to include all the heirs as detailed in the table at para 4 of the petition.
6. Miscellaneous Petition is disposed of in the above terms.

[VALMIKI SA MENEZES, J.]