

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

MISCELLANEOUS PETITION NO.213 OF 2022

1. Tejinder Singh Banga, S/o. Santokh Singh Banga
2. Mohan Singh Banga, S/o. Santokh Singh Banga .. Petitioners

Santokh Singh Banga @ Santokh Singh

J.S. Banga @ Santokh Singh Jit Singh Banga @

Santokhsingh Jeetsingh Banga

.. Deceased

Ms. Juilee J. Ghadge for the Petitioners.

CORAM : VALMIKI SA MENEZES, J.

DATE : 17TH NOVEMBER, 2022.

P.C. :

1. By this petition, the petitioners seek issuance of Legal Heirship Certificate, under Section 2 of the Bombay Regulation VIII of 1872, in respect of the deceased Santokh Singh Banga, who died intestate on 19th June 2017. A copy of his Death Certificate is annexed as Exhibit-A to the petition.

2. This petition has been filed by two sons of the deceased, namely, Tejinder Singh and Mohan Singh, stating that the only legal heirs of the deceased are the one listed in a table at para 4 of the petition; they being the widow of the deceased, namely, Tripat Kaur Santokh Singh Banga and three sons of the deceased, namely, Tejinder Singh, Mohan Singh and Satinder Singh, whose names are listed at serial nos.1 to 4 in the said table.

3. According to the petitioners, the deceased – Santokh Singh Banga had his place of abode at Antop Hill, Wadala, Mumbai. As a proof of residence, the petitioners have produced on record a copy of the Aadhaar Card of the deceased – Santokh Singh Banga, which is annexed as Exhibit-A1 (page 19) to the petition. The copies of the Aadhaar Cards of petitioner nos.1 and 2 have also been produced on record, which are annexed as Exhibits “B” and “D” to the petition.

4. The consent affidavits of the widow of the deceased – Tripat Kaur and the son of the deceased – Satinder Singh are produced on record at pages 26 and 29 of the petition. The affidavit filed by the sons of the deceased, namely, Tejinder Singh and Mohan Singh, dated 23rd June 2022 in support of the petition is also placed on record at page 32 of the petition. All these affidavits specifically record that the heirs of the deceased, whose names are listed in para 4 of the petition, consent to the petitioners obtaining Legal Heirship Certificate. Consequently, proclamation is dispensed with.

5. The Heirship Certificate is stated to be required for the purpose of carrying out some transfers in the records of one property, as detailed in the “Schedule of Property” annexed as Exhibit-F to the petition, in which the deceased – Santokh Singh Banga had interest.

6. Considering all the above facts and the documents produced on

record, I find no impediment in granting Legal Heirship Certificate to the petitioners. Accordingly, the petition is made absolute in terms of prayer clause (a), which is reads thus;

“(a). That a Legal Heirship Certificate be issued, under the provisions of Bombay Regulation VIII of 1827, certifying that (1) Tripat Kaur Santokh Singh Banga (widow of the deceased above named); (2) Tejinder Singh Banga, S/o. Santokh Singh Banga (the son of the deceased and the petitioner no.1 above named); (3) Mohan Singh Banga, S/o. Santokh Singh Banga (the son of the deceased and the petitioner no.2 above named) and; (4) Satinder Singh Banga S/o. Santokh Singh Banga (the son of the deceased above named) are the only heirs and legal representatives of the deceased above named.”

7. 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.

8. Miscellaneous Petition is disposed of in the above terms.

[VALMIKI SA MENEZES, J.]