

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

MISCELLANEOUS PETITION NO.201 OF 2022

Suyash Sunil Patodia

.. Petitioner

Sunil Kumar Patodia

.. *Deceased*

Mr. Narendra S. Kaushik 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 Sunil Kumar Patodia, who is said to have died intestate on 18th February 2022. A copy of his Death Certificate is annexed as Exhibit-A (page 13) to the petition. He is stated to be the resident of Powai, Mumbai, as seen from his Aadhaar Card annexed as Exhibit A-1 (page 14) to the petition.

2. The petitioner states that the deceased is survived by the heirs, whose names have been listed in the table at para 4 on page 3 of the petition; they being Manbhari Patodia – the mother of the deceased, Vinita Sunil Patodia – the wife of the deceased, and two children, namely, Shreya Saurabh Desarda @ Shreya Sunil Patodia – married daughter of the deceased and Suyash Sunil Patodia – son of the deceased. The petitioner has produced on record PAN

Cards and Aadhaar Cards of all the heirs, which are annexed at pages 16 to 22, respectively, to the petition. The father of the deceased – late Shri. Chouth Mal Patodia is stated to have expired on 18th December 2021, as is evidenced by Death Certificate produced on record as Exhibit-B (page 15) to the petition. It is also stated in the petition that the deceased passed away intestate without leaving any bequest. The reasons stated in the petition for requiring Heirship Certificate to be issued are for the purpose of having on record their heirship.

3. The petitioner has produced on record the consent affidavits of Manbhari Patodia – the mother of the deceased (page 23), Vinita Sunil Patodia – wife of the deceased (page 26) and that of married daughter of the deceased – Shreya Patodia Desarda (page 29). In all these affidavits, there is a declaration that they are aware that the petitioner has filed this petition for issuance of a Heirship Certificate and that they have no objection in granting the same in favour of the petitioner and recording their names as the heirs. Considering this fact, 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. Accordingly, the petition is made absolute in terms of prayer clause (a), which reads thus :-

“(a). That Legal Heirship Certificate be issued certifying that the petitioner and other legal heirs are the only heirs

and legal representatives of the deceased under the provisions of Bombay Regulation Act VIII of 1827; as mentioned in para no.4.”

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.]