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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION

MISCELLANEOUS PETITION NO.189 OF 2021

Dhiraj Santosh Dixit & Ors.

...Petitioners

Santosh Ramkishor Dixit

...Deceased

S.U. Lakdawala for the Petitioner.

CORAM : R.I. CHAGLA J

DATE : 20TH JANUARY, 2022
(THROUGH V.C.)

ORDER :

1. By the present Petition, the Petitioners seeking a legal heirship certificate under Section 2 of the Bombay Regulation Act VIII of 1827 in respect of the deceased Santosh Ramkishor Dixit who expired in Mumbai on 24th December, 2017. A copy of death certificate is also annexed to the Petition. The deceased was survived by the Petitioners who are legal heirs and next of kin. The particulars of which are given in the tabular form at paragraph 4 of the Petition.

2. The mother of the deceased pre-deceased the deceased. The deceased had no daughter. The wife of the deceased expired on 22nd February, 2012.

3. It is stated that the legal heirship certificate is required for the properties situated at Mumbai and Uttar Pradesh which are mentioned at schedule at Exhibit 'D' to the Petition and for which the authorities have insisted for submission of Legal Heirship Certificate declaring the Petitioners as the heirs of the deceased for transfer of the said properties.

4. Considering that the Petitioners are the only surviving legal heirs of the deceased, there is no question of consent of any other heirs being required in the present case.

5. No other Petition for Legal Heirship Certificate, Succession Certificate, Probate or Letters of Administration with or without will annexed, has been filed. Therefore, I do not find any impediment in granting the reliefs sought for in the present Petition.

6. The Petition is admitted and allowed in terms of prayer clause (a) which reads thus:-

“(a) That a Legal Heirship Certificate be granted in favour of the Petitioners legal representatives of the said deceased under the provision of Bombay Regulation Act, VIII of 1827”

7. Proclamation is dispensed with.

8. Miscellaneous Petition is accordingly disposed of.

No order as to costs.

[R.I. CHAGLA J.]