

K.S. Jadhav

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

MISCELLANEOUS PETITION NO. 46 of 2022

Priscilla John Chettiar

...Petitioner

Versus

Simon Anthony Chetiyar

...Deceased

Mrs. Leena Shah i/b Vijay Upadhyay, Advocate for the
Petitioner.

CORAM : R.I. CHAGLA, J.

DATE : 10th November, 2022.

ORDER :

1. By the present petition, the Petitioner seeks a Legal Heirship Certificate under Section 2 of the Bombay Regulation VIII of 1827 in respect of the deceased Simon Anthony Chetiyar, who expired at Mumbai on 11th October, 2021. The copy of the Death Certificate is annexed at Exhibit-A to the Petition.

2. The deceased was survived by the Petitioner who is the Daughter of the Petitioner and the only surviving legal heir.

The wife and son of the deceased pre-deceased the deceased. The particulars of the petitioner is given in the tabular form at paragraph 5 of the Petition.

3. It is stated in Paragraph 2 of the Petition that Legal Heirship Certificate is required with request to the amount lying in the saving bank account with Saraswat Co-Operative Bank Limited, being an amount of Rs.4,64,000/- which is to be transferred in the name of the Petitioner. The particulars of the saving bank account and the branch have been mentioned in Paragraph 2 of the Petition.

4. Considering that the Petitioner is only the survivor of the legal heirs of the deceased, there is no question of consent of any other 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 relief sought for in the present Petition.

- i) In these circumstances, the Petition is accepted and made absolute in terms of prayer clause (a), which reads thus:-

“(a) That legal Heirship Certificate thereby certifying Mrs. Priscilla John Chettiar (The Petitioner here-in and the Daughter of deceased), be recognized as legal heir and representative of the deceased and Legal Heirship Certificate be granted to the Petitioner.”

- ii) Proclamation is dispensed with.
- iii) Miscellaneous Petition is accordingly disposed of.
- iv) No order as to costs.

[R.I. CHAGLA J.]