

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

MISCELLANEOUS PETITION NO.205 of 2023

Mahender Singh Khurana : Deceased

Gurucharan Kaur Mahender Singh
Khurana and Ors. : Petitioners.

Mr. Manoj Kumar Mishra for the Petitioners.

CORAM : ARIF S. DOCTOR, J.
DATE : 28th APRIL 2023

P.C. :

1. The Petitioners seek the grant of a Legal Heirship Certificate under the provisions of Section 2 of the Bombay Regulation VIII of 1827 in respect of one Mahender Singh Khurana ("the deceased"), who is said to have died intestate on 21st April 2021. A copy of the death certificate of the deceased is also annexed to the Miscellaneous Petition. It is stated that despite due diligent search, no Will of the deceased has been found. It is therefore assumed that the said deceased died intestate.
2. The said deceased left behind him surviving as his only heirs and next of

kin according to the Hindu Succession Act, 1956, the persons mentioned in the table in paragraph 4 of the Petition.

3. The reason for which the Legal Heirship Certificate is required is set out in paragraph 10 of the Miscellaneous Petition.

4. The consent affidavits/authority letters of the legal heirs of the deceased are on record and annexed to the Petition.

5. No other Petition for Legal Heirship Certificate, Succession Certificate, Probate or Letters of Administration with or without Will annexed has been filed. Therefore, there is no impediment in law to the grant of relief sought for by the Petitioners.

6. I have heard the learned counsel appearing on behalf of the Petitioners as well as perused the said Petition. I find that the same is complete in all respect and deserves to be allowed in the interest of justice.

7. The Miscellaneous Petition is therefore allowed in terms of prayer clause (a) which reads as under :-

“(a) A legal Heirship Certificate be issued certifying that (1) Mrs. Gurucharan Kaur Mahender Singh (Wife of the Deceased and the Petitioner No.1 herein), (2) Mr. Rajinder Singh Khurana (Son of the deceased and the Petitioner No.2 herein), (3) Mr. Charanjit Singh Khurana (Son of the Deceased and the Petitioner No.3 herein) and (4) Mr. Tejinder singh Khurana (Son of the deceased and Petitioner No.4 herein) are the only Legal Heirs and Legal Representatives of the deceased under the provision of Bombay Regulation Act VIII of 1827”

8. In so far as prayer clauses (b) to (d) are concerned, the Learned Counsel for the Petitioners states that he does not press the said prayer clauses (b) to (d) as not being maintainable. Statement accepted.
9. The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same.
10. In view of the requisite consent affidavits/Authority Letters have been filed, the issuance of proclamation is dispensed with.
11. Miscellaneous Petition is accordingly disposed of. There shall be no order as to costs.

(ARIF S. DOCTOR, J.)