

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

MISCELLANEOUS PETITION NO.128 OF 2023

Jagannath Waman Thakur : Deceased

Shamal Sanjay Sawant : Petitioner.

Mr. Sidharth Desai for the Petitioner.

CORAM : ARIF S. DOCTOR, J.
DATE : 03rd MAY 2023

P.C. :

1 The Petitioner seeks the grant of a Legal Heirship Certificate under the provisions of Section 2 of the Bombay Regulation VIII of 1827 in respect of one Jagannath Waman Thakur ('the deceased'), who is said to have died intestate on 4th April 2022. 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 Petitioners are the only heirs and next of kin of the deceased according to the Hindu Succession Act, 1956.

3 The reason for which the Legal Heirship Certificate is required is set out in paragraphs 6 to 7 of the Miscellaneous Petition.

4 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 Petitioner.

5 I have heard the learned counsel appearing on behalf of the Petitioner 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.

6 The Miscellaneous Petition is therefore allowed in terms of prayer clauses (a) and (b) which reads as under :-

“(a) That a Legal Heirship Certificate be issued under the provision of Bombay Regulation Act VIII of 1827, certifying that (1) Shamal Sanjay Sawant (Married Daughter of the Deceased and the Petitioner No.1 herein), (2) Parag Jagannath Thakur (Son of the Deceased and the Petitioner No.2 herein) and (3) Sanjog Jagannath Thakur (Son of the Deceased and the Petitioner No.3 herein) are the only heirs and Legal Representative of the Deceased abovenamed.

(b) That issuance of Proclamation be dispensed with”

7 The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same.

8 Miscellaneous Petition is accordingly disposed of. There shall be no order as to costs.

(ARIF S. DOCTOR, J.)