

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

MISCELLANEOUS PETITION NO. 91 OF 2023

Sudheer Shantaram Mirajkar alias

Sudhir Shantaram Mirajkar

...Deceased

1. Abhijit Sudhir Mirajkar

2. Tushar Sudhir Mirajkar

...Petitioners

Mr. Prabhu Velar for the Petitioners.

CORAM : ARIF S. DOCTOR, J.

DATED : 17th March, 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 Sudhir Shantaram Mirajkar (“the deceased”), who died in Mumbai on 21st June, 2018. A copy of the death certificate is annexed to the Miscellaneous Petition. It is stated that despite due and diligent search, no Will of the deceased has been found. It is therefore assumed that the deceased died intestate.

2 The deceased left behind him surviving as his only heirs and next of kin according to Hindu Succession Act, 1956, the Petitioners.

3 The reason for which the Legal Heirship Certificate is required is set out in Paragraph No.6 of the Miscellaneous Petition.

4 The Petitioners are the only legal heirs of the Petitioner, hence the question of filing of Consent Affidavit does not arise.

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.

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 in order 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) This Hon’ble Court be pleased to issue a Legal Heirship Certificate to the petitioners under the provision of Bombay Regulation VIII of 1827 certifying that [1] **Abhijit Sudhir Mirajkar**, [2]. **Tushar Sudhir Mirajkar**, being the only heirs of the deceased.”*

8 In view of both the Petitioners are the only legal heirs and next of kin's of the deceased, issuance of proclamation is dispensed with.

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

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

(ARIF S. DOCTOR, J.)