

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

MISCELLANEOUS PETITION NO.133 OF 2023

Anant Shankar

S/o. Naresh Chandra Srivastava alias

Shankar Anant alias

Anant Shankar

: Deceased

Vaishali Srivastava wd/o. Anant Shankar

: Petitioner.

Ms. Samina Mirza for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 28th 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 Anant Shankar s/o Naresh Chandra Srivastava ("the deceased"), who died on 1st December 2022. A copy of the certificate of entry of a death of an Indian Citizen 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 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 9 of the Miscellaneous Petition.

4 The other legal heirs of the deceased have filed consent affidavits, which are 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.

6 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 in order and deserves to be allowed in the interest of justice.

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

“ (a) That a Legal Heirship Certificate be issued under the

provision of Bombay Regulation Act VIII of 1827, certifying that Petitioner along with the heirs mentioned above in Para 4 are the heirs and legal representative of the deceased.

(b) That issuance of Proclamation be dispensed with.”

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

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

(ARIF S. DOCTOR, J.)