

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

MISCELLANEOUS PETITION NO.177 OF 2023

Sheila Vittal Kamath : Deceased

Satish Vittal Kamath : Petitioner

Mr. Premlata D. Modani for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATED : 28th APRIL, 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 Sheila Vittal Kamath ('the deceased'), who died on 16.11.2022. 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 petitioner is only heir and next of kin according to Hindu Succession Act, 1956.

3. The reason for which the Legal Heirship Certificate is required is set out in paragraph 6 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.

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 clause(a) which reads as under :-

“a) Legal Heirship Certificate be granted to the Petitioner certifying that the Petitioner is the only heir and legal representative of the said deceased under the provision of Bombay Regulation Act VIII of 1827.”

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

8. In view of the fact that Petitioner is the only legal heir, the issuance of proclamation is dispensed with.

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

(ARIF S. DOCTOR, J.)