

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

MISCELLANEOUS PETITION NO. 173 OF 2023

Suchitha Aarons

...Deceased

Sabastine Suchitha Aarons & Ors.

...Petitioners

Ms. Jenny Somaia i/b. Dipti Nagda for Petitioners.

CORAM : ARIF S. DOCTOR, J.

DATE : 11th 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 Suchitha Aarons ('the deceased'), who died in Mumbai on 5th March, 2007. 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 her surviving as her only heirs and next of kin according to Indian Succession Act, 1925, 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 8 of the Miscellaneous Petition.

4. All the 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 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) That a Legal Heirship Certificate be issued under the provision of Bombay Regulation Act VIII of 1827, certifying that the Petitioners herein are the only Heirs and Legal Representative of the deceased abovenamed.”

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

9. In view of the requisite consent affidavits have been filed, the issuance of proclamation is dispensed with.

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

(ARIF S. DOCTOR, J.)