

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.31 OF 2023**

1. Bhupatray Chhaganlal Vadodaria alias

Bhupatrai Chhaganlal Vadodaria

2. Shrimati Bhupatrai Vadodaria ... Deceased

1. Shrikant Bhupatray Vadodaria

2. Chitranjan Bhupatray Vadodaria ... Petitioners

Ms. Nisha Sharma i/by Naresh Pai for the Petitioners.

CORAM : ARIF S. DOCTOR, J.

DATE : 17TH JANUARY 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 Bhupatray Chhaganlal Vadodaria alias Bhupatrai Chhaganlal Vadodaria and Shrimati Bhupatrai Vadodaria ('the deceased'), who died in Mumbai on 24/07/2018 and 06/08/2017 respectively. The copies of the death certificates are annexed to the Miscellaneous Petition. It is stated that despite due and diligent search, no Wills of both the deceased have been found. It is therefore assumed that the deceased died intestate.

2. The deceased left behind them surviving as their only heirs and next of kin according to Hindu Succession Act, 1956, the persons mentioned in the table in paragraph 7 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 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) The Legal Heirship Certificate thereby certifying the Petitioners, daughters and Grand Daughter and Grand Son of deceased mentioned in para 7 above as the recognized legal heirs and representatives of the deceased be granted to the Petitioners;”

8. The Registry shall issue the Legal Heirship Certificate 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.)