

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.169 OF 2022**

Shetty Jayram alias Jayaram Thimappa Shetty ... Deceased

Ratnakar Jayaram Shetty ... Petitioner

Mr. Akshay Kapadia i/by Mr. Sherekar for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 02ND JANUARY 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 Shetty Jayram alias Jayaram Thimappa Shetty ('the deceased'), who died in Mumbai on 08/04/1991. 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.

2. The present Miscellaneous Petition sets out that the deceased left behind him the following persons as his only heir and next of kin according to the Hindu Succession Act, 1956 :-

Sr. No.	Names and addresses of the heirs and next of kins of the deceased abovenamed	Age	Relationship with Deceased
1.	Ratnakar Jayaram Shetty B-901, Crystal Palace, Near Powai Police Station, Ram Ashram, Powai, Mumbai – 400 076.	52 Years	Son (Petitioner)
2.	Rajayshree Jayaram Shetty Nee Rajayshree Ravindra Shetty 301, Soni Sarovar Tower, Gorai Road, Near Sailee School, Old M. H. B. Colony, Borivali (West), Mumbai – 400 091.	50 Years	Married daughter
3.	Pushparaj Jayaram Shetty Passport – Z5748827 Presently residing at Flat No.12, Chivelston 78, Wimbledon Parkside, SW19, 5LH, London, UK. Permanently Residence at W/15, First Floor, Dnyankunj (Dnyankunja) CHS Ltd., IIT Market, Powai, Mumbai – 400 076.	42 Years	Son

3. The Miscellaneous Petition sets out that the Legal Heirship Certificate is required to enable the transfer of certain leasehold properties standing in the name of the deceased, as more particularly stated in Paragraph 8 of the Miscellaneous Petition. The consent affidavits of all the legal heirs are annexed to 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 perused the present Miscellaneous Petition and heard the learned Counsel appearing on behalf of the Petitioner. I am satisfied that the Miscellaneous Petition is in order and deserves to be allowed.

6. The present Miscellaneous Petition is therefore allowed in terms of prayer clause (B), which reads as under :-

“B) This Hon’ble Court be pleased to issue a Legal Heirship Certificate to the petitioner under the provision of Bombay Regulation VIII of 1827 certifying that the Petitioner along with the heirs mentioned above in Para 4 are the only heirs and legal representatives of the said deceased.”

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

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

(ARIF S. DOCTOR, J.)