

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.258 OF 2022**

Gopalakrishnan Harihara Subramanian

... Deceased

Vs.

Sitalakshmi Harihara Subramanian

... Petitioner

Ms. Rajashree Nair for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 06TH 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 Gopalakrishnan Harihara Subramanian ('the deceased'), who died in Mumbai on 01/06/2017. A copy of the death certificate is annexed to the Miscellaneous Petition. The Miscellaneous Petition sets out that despite due and diligent search, no Will of the deceased has been found.

2. The learned Counsel for the Petitioner submits that the persons mentioned in the Table in Paragraph 4 are the only legal heirs and next of kin of the deceased accordingly to the Hindu Succession Act, 1956.

3. Paragraph Nos.10 and 11 of the Miscellaneous Petition set out the reasons for which the Legal Heirship Certificate is required for. The consent affidavits of all the other 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 deserves to be allowed.

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

“(a) This Hon’ble Court be pleased to grant “Heirship Certificate” to Petitioner, under the provisions of Bombay Regulation VIII of 1872, certifying that the petitioner is legal heir and representative of the deceased, in respect of the property and credits set forth in Schedule No.1 annexed to the Petition.”

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.)