

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.181 OF 2022**

Maruti Vithal Sawant	... Deceased
Nitant Maruti Sawant	... Petitioner No.1
Trupti Maruti Sawant	... Petitioner No.2

Ms. Samruddhi R. Parab for the Petitioners.

CORAM : ARIF S. DOCTOR, J.
DATE , 20TH FEBRUARY 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 Maruti Vithal Sawant ('the deceased'), who died in Mumbai on 04/12/2021. 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 persons mentioned in the table in Paragraph 4A are the only legal heirs and next of kin of the deceased according to the Hindu Succession Act, 1956, by which the deceased was governed at the time of his death.

3. The reason, for which the Legal Heirship Certificate is required, is set out in paragraph 10 of the Miscellaneous Petition.

4. Both the Petitioners are the only legal heirs of the deceased. Therefore, the consent affidavit is not necessary.

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 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 (i), which reads as under :-

“i) That this Hon’ble Court be pleased to issue of Legal Heir Certificate to under the provision of Bombay Regulation VIII of 1827, the Petitioners as only legal heirs and legal representatives of the deceased Mr. Maruti Vithal Sawant.”

8. The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same.
9. As the Petitioners are the only legal heirs of the deceased, the proclamation is dispensed with.
10. The Miscellaneous Petition is accordingly disposed of. There shall be no order as to costs.

(ARIF S. DOCTOR, J.)