

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.149 OF 2022**

Lata B. Maurya alias Lata Balihari Maurya
alias Gujarati alias Lata Balihari Maurya ... Deceased

Ruchita Harishankar Maurya & Anr. ... Petitioners

Mr. Ramprakash Pandey for the Petitioners.

CORAM : ARIF S. DOCTOR, J.
DATE : 20TH 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 Lata B. Maurya alias Lata Balihari Maurya alias Gujarati alias Lata Balihari Maurya ('the deceased'), who died in Mumbai on 07/10/2014. 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 Hindu Succession Act, 1956, the persons mentioned in the table in paragraph 4 of the Petition.

3. Both the legal heirs of the deceased are the Petitioners in the present Petition and therefore no consent affidavits are required to be filed.

4. The reason for which the Legal Heirship Certificate is required is set out in paragraph 9 of the Miscellaneous 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) This Hon’ble Court be pleased to issue a Legal Heirship Certificate to the petitioners under the provision of Bombay Regulation VIII of 1827 certifying that the Petitioners are the heirs mentioned above in Para 4 are the only heirs and legal representatives of the said deceased herein having effect throughout India.”

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.)