

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION

MISC. PETITION NO. 293 OF 2022

Vivekanandan Sankaranarayanan ...Deceased

Kalyani Vivekanandan ...Petitioner

Mr. Kishorekumar S. Shetty for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 09th 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 Vivekanandan Sankaranarayanan ('the deceased'), who is said to have died intestate at Mumbai on 28th November, 2021. A copy of the death certificate of the deceased is also annexed to the Miscellaneous Petition.

2 The said deceased died intestate and despite due and diligent search for a Will, none has been found.

3 In paragraph 4 of the Petition the names of the legal heirs and
next of kins of the deceased according to the Hindu Succession Act, 1956 have
been set out. On a query from the Court the learned Counsel for the Petitioner
has informed the Court that these are the only legal heirs of the deceased and
there are no other legal heirs.

4 The learned counsel for the Petitioner submitted that the consent
affidavits of the legal heirs are on record.

5 The reason for which the legal heirship certificate is required is set
out in paragraph 9 of the Petition.

6 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.

7 I have heard the learned counsel appearing for the Petitioner as
well as perused the said Petition and find that the same is in order and deserves
to be allowed in the interest of justice.

8 The Miscellaneous Petition is therefore allowed in terms of prayer
clause (a) which read as under :-

*“(a). That a Legal Heirship Certificate certifying that the
Petitioner along with the legal heir in para no. 4 are only
heirs and legal representative of the said deceased i.e.*

*Vivekanandan Sankaranarayanan under the provision of
Bombay Regulation Act VIII of 1827".*

9 Proclamation is not dispensed with.

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

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

(ARIF S. DOCTOR, J)