

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.161 OF 2022**

Sitha Janakiraman Iyer

... Deceased

1. Chinmay Raghuram Prabhu

2. Rupali Vinay Javalgikar

... Petitioners

Mr. Vishnu Wani for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 07TH 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 Sitha Janakiraman Iyer ("the deceased"), who died on 25/07/2021. 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 learned Counsel for the Petitioners submitted that the deceased was a divorcee and died issueless. The Petitioners herein are the only legal heirs of the deceased. Hence, there is no need to file the consent affidavits.

3. The reasons for which the Legal Heirship Certificate is required are set out in Paragraphs 6 to 10 of 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 heard the learned Counsel appearing on behalf of the Petitioner 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.

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

“a. The petitioners states that in view of the above position and in view of the Petitioners being the Legal Heirs of the deceased have filed the above petition for Heirship Certificate, the petitioners prays that this honourable court be pleased to grant / issue a legal Heirship certificate in favour of the petitioners, under the provision of Bombay Regulation Act, VIII of 1827.”

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

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

(ARIF S. DOCTOR, J.)