

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.164 OF 2022**

Navinchandra Keshavji Shah alias

Navinchandra K. Shah

... Deceased

Jiten Navinchdnara Shah

... Petitioner

Ms. Pradnya Bagde for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 02ND 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 Navinchandra Keshavji Shah alias Navinchandra K. Shah ('the deceased'), who died in Mumbai on 08/10/2020. A copy of the death certificate is annexed to the Miscellaneous Petition.

2. The present Miscellaneous Petition sets out that the deceased left behind him the following persons as his only heir and next of kin according to the Hindu Succession Act, 1956 :-

Sr. No.	Name and Address of the Legal heirs	Age Years	Relation with the deceased
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1.	Ruxmani N. Shah Died on 12.06.2014 (Predeceased)	–	Wife
2.	Jiten Navinchandra Shah Residing at A-102, 1 st Floor, Carter Road No.4, Borivali (East), Mumbai – 400 066. (The Petitioner herein)	40	Son
3.	Mala Bhavesh Shah Chadwa Residing at 575/9, Devkinandan, V. N. Purav Marg, Near Hotel Celebration, Chembur, Mumbai – 400 071.	45	Married Daughter

3. The Miscellaneous Petition sets out that the Legal Heirship Certificate is required for the purpose of transferring the Shop bearing No.22, Plot No.28 & 29, Sector – 21, in a building known as President Co-operative Housing Society Limited, Kharghar, Navi Mumbai – 410 210. The consent affidavit of Mala Bhavesh Shah Chadwa is 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 issue a Legal Heirship Certificate to the Petitioner under the provisions of Bombay Regulation VIII of 1827 certifying that the petitioner, alongwith the heirs mentioned para no.4 herein above are the only heirs and legal representatives of the deceased”

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.)