

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC. PETITION NO. 294 OF 2022**

Raghava Sheena Shetty ...Deceased

Vinoda Raghava Shetty ...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 Raghava Sheena Shetty (“the deceased”), who is said to have died intestate at Mumbai on 12th December, 2020. 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 only legal heirs and Legal Representatives according to the Hindu Succession Act, 1956 have been

set out.

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 heir and legal representative of the said deceased i.e. Raghava Sheena Shetty under the Provision of Bombay Regulation Act VII of 1827;”

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

10 In view of consent affidavits, proclamation is dispensed with.

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

(ARIF S. DOCTOR, J)