

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.249 OF 2022**

Renuka Prakash Loke

... Deceased

Hemchandra Prakash Loke

... Petitioner

Ms. Sujata R. Babar for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 07TH 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 Renuka Prakash Loke ('the deceased'), who died intestate on 02/11/2019. 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.

2. The learned Counsel for the Petitioner submitted that the persons mentioned in the table in Paragraph 4 of the Petition are the only legal heirs and next-of-kins of the deceased according to the Hindu Succession Act, 1956 (the year of the Act is incorrectly mentioned as 1925 in Paragraph 4 of the Miscellaneous Petition).

3. The reasons for which the Legal Heirship Certificate is required are set out in Paragraph 9 of the Miscellaneous Petition. The consent affidavits of the legal heirs are also placed on record.

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) That Legal Heirship Certificate be issued Certifying that the Petitioner, his Father and Sister are the only Heirs and Legal Representatives of the Deceased mentioned in Para No.4 of the Petition 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. In view of the consent given by the legal heirs of the deceased, 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.)