

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.265 OF 2022**

Akshay Kumar Janardan Maujilal Jha ... Deceased

Digant Akshay Jha & Anr. ... Petitioners

Mr. Sandesh Kamble i/by Premlata Jain for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 24TH MARCH 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 Akshay Kumar Janardan Maujilal Jha ('the deceased'), who died on 29/03/2018. 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 Petitioners are the only legal heirs and next of kin of the deceased according to the Hindu Succession Act, 1956, by which the deceased was governed at the time of his death.

3. The reason, for which the Legal Heirship Certificate is required, is set out in paragraph 9 of the Miscellaneous Petition.

4. As the Petitioners are the only legal heirs of the deceased, there is no necessity of filing of any consent affidavits.

5. 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.

6. I have heard learned Counsel appearing on behalf of the Petitioners 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.

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

“a. that the legal Heirship Certificate thereby certifying the Petitioner’s Mr. DigantAkshay Jha and Mrs. AviralAkshay Jha be recognized legal heir and representative of the deceased be granted the Petitioner’s.”

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

9. In view of the fact that the Petitioners are the only legal heirs of the deceased, issuance of Proclamation is dispensed with.

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

(ARIF S. DOCTOR, J.)