

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
TESTAMENTARY AND INTESTATE JURISDICTION  
MISCELLANEOUS PETITION NO.254 OF 2022**

Mahesh Gaurishankar Dave

... Deceased

Pritha Mahesh Dave

... Petitioner

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Ms. Payal J. Chheda for the Petitioner.

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**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 Mahesh Gaurishankar Dave ('the deceased'), who died intestate on 27/11/2021. 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.

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.

3. The reasons for which the Legal Heirship Certificate is required are set out in Paragraph 5 of the Miscellaneous Petition. The only legal heir, except the Petitioner, has given her consent and the same is annexed to the 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. 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. In view of the consent given by the legal heir 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.)**