

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.296 OF 2022**

Prabhu Nanikram Hardasmalani

... Deceased

Chang Chiu-Chin

... Petitioner

Mr. Bharat G. Thorat for the Petitioner.

Mrs. C. J. Bhatt, Testamentary Registrar is present.

CORAM : ARIF S. DOCTOR, J.

DATE , 03RD MARCH 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 Prabhu Nanikram Hardasmalani ('the deceased'), who died in Taiwan on 12/09/2021. 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. It is therefore assumed that the deceased died intestate.

2. The Petitioner is the sole legal heir of the deceased according to the Hindu Succession Act, 1956.

3. The reason, for which the Legal Heirship Certificate is required, is set out in paragraph 10 of 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 heard 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 clauses (a) and (b), which read as under :-

“a) That this Hon’ble Court be pleased to allow the present Petition and be pleased to grant to the Petitioner the Heirship Certificate under the provisions of Bombay Regulation VIII of 1827 declaring that the Petitioner is the only sole heir and legal representative of the deceased;

b) That this Hon’ble Court be pleased to dispense the issuance of proclamation;”

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.)