

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

MISCELLANEOUS PETITION NO. 408 OF 2023

Arvind Chhotalal Mehta

...Deceased

Mehul Arvind Mehta

...Petitioner

* * *

- Mr. Shailesh Dalal, for Petitioner

* * *

CORAM : MANISH PITALE, J.

DATE : 14th DECEMBER, 2023.

P. C. :

SHRIKANT
SHRINIVAS
MALANI

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1. By this petition, the petitioner is seeking issuance of legal heir-ship certificate in terms of the prayer made in the present petition.

2. The deceased in the present case expired on 01st January, 2010. Copy of the death certificate is placed on record at Exhibit "A" to the petition.

3. It is stated that at the time of his death the deceased had a fixed place of abode at Flat No. 42, 4th Floor, Vidya Apartments, Loyalka Compound, Siri Lane, Chowpatty, Mumbai - 400 006.

4. It is also specifically stated that the deceased died intestate and he did not leave behind any testamentary writing or Will.

5. In paragraph no. 4 of the petition, the petitioner has given details of the surviving legal heirs of the deceased, which include a

widow and two sons (including the petitioner herein). It is specifically stated that, other than the aforementioned legal heirs, there are no surviving legal heirs of the deceased

6. In paragraph nos. 6 and 7, the petitioner has stated the reasons as to why the petitioner is constrained to approach this Court for issuance of legal heir-ship certificate.

7. Consent affidavits of the other legal heirs i.e. the widow and the other son are annexed to the petition.

8. In view of the above, the petition is accepted and proclamation is dispensed with.

9. In the interest of justice, the petition is allowed in terms of prayer clause (b), which reads as follows :

“b. This Hon’ble Court be pleased to issue Legal Heirship Certificate to the Petitioner under the provisions of Bombay Regulation VIII of 127 certifying that the Petitioner i.e. Mehul Arvind Mehta along with heirs mentioned in paragraph 4 herein above i.e. Naina Arvind Mehta and Mitul Arvind Mehta are the only heirs and legal representatives of the Deceased Arvind Chhotalal Mehta and”

10. The department is directed to issue the legal heir-ship certificate, as expeditiously as possible.

(MANISH PITALE, J.)