

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 282 OF 2022**

Prasad Shantaram Belose

...Deceased

Priti Prasad Belose

...Petitioner

Adv. Netra L. Kargutkar for Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 27th 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 Prasad Shantaram Belose("the deceased"), who died in Mumbai on 1st September, 2014. 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 deceased left behind him surviving as his only heirs and next of kin according to Hindu Succession Act, 1956, the persons mentioned in the table in paragraph 9-a of the Petition.

3. The reason for which the Legal Heirship Certificate is required is set out in paragraph 6 of the Miscellaneous Petition.

4. The other legal heir of the deceased has filed consent affidavits, which is annexed to the Petition.

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 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.

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

“a) The Legal Heirship Certificate thereby certifying the Petitioner along with the heir mentioned above are the only legal heir and representative of deceased be granted to the Petitioner.

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 requisite Consent has been filed 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.)