

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.26 OF 2023**

Sreedevi Saseendra Nath

... Deceased

G Saseendra Nath

... Petitioner

Mr. Jayesh Mestry for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 24TH 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 Sreedevi Saseendra Nath ('the deceased'), who died in Mumbai on 25/11/2019. 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 her surviving as her only heirs and next of kin according to Hindu Succession Act, 1956, the persons mentioned in the table in paragraph 4 of the Petition.

3. The reason for which the Legal Heirship Certificate is required is set out in paragraph 7 of the Miscellaneous Petition.

4. The consent affidavits of other legal heirs of the deceased are 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) That the Legal Heirship Certificate may be granted to the Petitioner certifying that Mr. G. Saseendra Nath (Petitioner), Mr. Sreerag Saseendra Nath And Ms. Sreesha Saseendra Nath, are the legal heirs and representatives of the deceased under the Provisions of the Bombay Regulation Act VIII of 1827;”

8. The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same.
9. In view of consents given by other legal heirs of the deceased, the proclamation is dispensed with.
10. The Miscellaneous Petition is accordingly disposed of. There shall be no order as to costs.

(ARIF S. DOCTOR, J.)