

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.57 OF 2022**

Meenakshi Jayashankar

... Deceased

Srikanth Jayashankar

... Petitioner

Mr. Atmaram Patade a/w Mr. Suraj Naik i/by Atmaram Patade for the Petitioner.

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 Meenakshi Jayashankar ('the deceased'), who died in Mumbai on 29/05/2020. 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 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 8 of the Miscellaneous Petition. The other legal heirs of the deceased have given consent affidavits, which are 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 certifying that Mr. Srikanth Jayashankar (Son and the Petitioner herein), Mr. R. Jayashankar (Husband of the deceased) and Mr. Prasanna Jayashankar (Son of the deceased) are the only legal Heirs and Legal Representatives of the deceased under the provisions of Bombay Regulation Act VIII of 1827.”

7. The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same.

8. In view of consents given by other legal heirs 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.)