

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

MISCELLANEOUS PETITION NO. 32 OF 2022

Vinod Jagat Khanna alias

Vinodkumar Jajat Khanna alias

Vinod Kumar Khanna

...Deceased

Ramola Vinod Khanna

...Petitioner

Adv. Tejas S. Mahamani i/by Adv. Shamkant G. Mahamuni for Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 3rd 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 Vinod Jagat Khanna ('the deceased'), who died in Mumbai on 17th September, 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 him surviving as his 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 5 of the Miscellaneous Petition.

4 The other legal heirs of the deceased have filed consent affidavits, which 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 a Legal Heir-ship Certificate under the provisions of Bombay Regulation Act VIII of 1827 certifying that the Petitioner along with the other heirs of the Deceased mentioned herein above in Para No. 4 are the only heirs and legal representatives of the Deceased be issued to the Petitioner.”

8 In view of the Consent Affidavit/s filed by other legal heirs, issuance of proclamation is dispensed with.

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

10 The Miscellaneous Petition is accordingly disposed of. There shall be no order as to costs.

(ARIF S. DOCTOR, J.)