

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

MISC. PETITION NO.36 OF 2023

Jankibai Ramji Jadhav

: Deceased

Shantaram Ramji Jadhav

: Petitioner.

Ms. Sujata Babar for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 14th FEBRUARY 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 Jankibai Ramji Jadhav ('the deceased'), who died on 26th September 2000. 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.

2. The deceased left behind her the Petitioner as her only legal heir and next of kin according to Hindu Succession Act, 1956.

3. The reason for which the Legal Heirship Certificate is required is more particularly set out in paragraph 10 of the Miscellaneous 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 copy of 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) That Legal Heirship Certificate be issued Certifying that the Petitioner is the only Heir and Legal Representative of the Deceased under the provision of Bombay Regulation Act VIII of 1827; more details mentioned in Para No.9 of the Petition.”

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

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

(ARIF S. DOCTOR, J.)