

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.309 OF 2022**

Ruxmani Doongersinh Danthi ... Deceased

Doongersinh Damodar Danthi ... Petitioner

Mr. Sushil A. Inamdar i/by Mr. Shrikhande for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 10TH 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 Ruxmani Doongersinh Danthi ('the deceased'), who died on 10/10/2021. A copy of the death certificate is annexed to the Miscellaneous Petition.

2. The learned Counsel for the Petitioner submitted that the persons mentioned in the table in Paragraph 5 of the Petition are the only legal heirs and next-of-kins of the deceased according to the Hindu Succession Act, 1956.

3. The Miscellaneous Petition sets out that the Legal Heirship Certificate is sought for the purpose of filing the income tax return on behalf of the deceased.

4. The concerned other legal heirs of the deceased have given 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 the Heirship Certificate be granted to certify that (1) Doongersinh Damodar Danthi (2) Deepak Doongersinh Danthi and (3) Darshana Harshad Bhatia are the legal Heirs and representatives of the said 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. The Miscellaneous Petition is accordingly disposed of. There shall be no order as to costs.

(ARIF S. DOCTOR, J.)