

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.279 OF 2022**

Pankaj Suryakant Shah

... Deceased

Riddhi Pankaj Shah

... Petitioner

Mr. Mohit A. Sampat for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 20TH 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 Pankaj Suryakant Shah ('the deceased'), who died in Mumbai on 16/09/1992. 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 Petitioner is the only legal heir and next of kin of the deceased according to Hindu Succession Act, 1956.

3. The reason for which the Legal Heirship Certificate is required is set out in paragraph 7 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 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 granted to the Petitioner thereby certifying the Petitioner, Riddhi Pankaj Shah (Daughter of the Deceased), be recognized as the only surviving legal heir and representative of the deceased abovenamed.”

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

8. As the Petitioner is the sole legal heir 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.)