

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.75 OF 2023**

Kantaben Damodardas Dayani alias Kantaben Dayani
wd/o. Damodardas ... Deceased

Jitesh Damodardas Dayani ... Petitioner

Ms. Shraddha Jadhav for the Petitioner.

CORAM : ARIF S. DOCTOR, J.
DATE , 14TH 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 Kantaben Damodardas Dayani (“the deceased”), who died at Mumbai on 12/05/1995. 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 persons mentioned in the table in Paragraph 4 are the only legal heirs and next of kin of the deceased according to the Hindu Succession Act, 1956, by which the deceased was governed at the time of his death.

3. The reason, for which the Legal Heirship Certificate is required, is set out in paragraph 7 of the Miscellaneous Petition.

4. The requisite consent affidavits of other legal heirs of the deceased 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 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 clauses (B) and (C), which read as under :-

“B) This Hon’ble Court be pleased to issue a Legal Heirship Certificate under the provision of Bombay Regulation VIII of 1827 certifying that the Petitioner along with the heirs mentioned in Para 4 are the only heirs and legal representatives of the said deceased.

C) That issuance of Proclamation be dispensed with.”

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.)