

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

MISCELLANEOUS PETITION NO.116 OF 2023

Durgaprasad Radhelal Sharma : Deceased

Navin Durgaprasad Sharma : Petitioner

Mr. D. M. Tailor for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATED : 28th APRIL, 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 Durgaprasad Radhelal Sharma ('the deceased'), who died on 30.10.2021. 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 11 of the Miscellaneous Petition.

4. The other legal heirs of the deceased have filed consent affidavit, which are annexed to the Petition. There no opposition to grant of the Legal Heirship Certificate as prayed for.

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 complete in all respect 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) this Hon’ble Court be pleased to issue a Legal Heirship Certificate to the Petitioner under the provisions of Bombay Regulation VIII of 1827 certifying that the petitioner abovenamed i.e. Shri. Navin Durgaprasad Sharma, Smt. Subhadra durgaprasad Sharma, Shri. Sunil Durgaprasad Sharma, Shri. Anil Durgaprasad Sharma and Shri. Mukesh Durgaprasad Sharma are the heirs of the said deceased i.e. Shri. Durgaprasad Radhelal Sharma, required to be

submitted to M/s. Hindustan Petroleum Corporation Ltd; having its Registered Office situated at 17, Jamshedji Tata Road, Mumbai-400020 and its Regional Office at ¾, Junction of S. V. Road and Turner Road, Bandra {West}, Mumbai-400050 for the Reconstitution of the firm M/s. Durgaprasad Radhelal Sharma."

8. The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same.
9. In view of the requisite consent affidavits have been filed, the issuance of proclamation is dispensed with.
10. The Miscellaneous Petition is accordingly disposed of. There shall be no order as to costs.

(ARIF S. DOCTOR, J.)