

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

MISCELLANEOUS PETITION NO.102 OF 2023

Vittal Mahabal Shetty ...Deceased

Ratna Vittal Shetty ...Petitioner

Mr. Sushil A. Inamdar i/by Adv. Disha Ponda for Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 27th 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 Vittal Mahabal Shetty ('the deceased'), who died in Mumbai on 20th July, 2022. 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 2 of the Petition.

3 The reason for which the Legal Heirship Certificate is required is

set out in paragraph 5 of the Miscellaneous Petition.

4 The other legal heirs of the deceased have filed 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 may be granted certifying that Petitioner Ratna Vittal Shetty, the Widow of the deceased to bedecleared as the legal heir and legal representative along with Sunita babu Shetty and Sucharita Jagdish Hegde, married daughters of the deceased Vittal Mahabal Shetty under the provision 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 In view of the fact requisite Consent has been filed 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.)