

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.76 OF 2023**

Prabhavati Vasant Dipnaik

... Deceased

Yogesh Prabhakar Vaidya

... Petitioner

Ms. Sujata Babar for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 24TH FEBRUARY 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 Prabhavati Vasant Dipnaik ('the deceased'), who died in Mumbai on 25/11/2008. 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 9 of the Miscellaneous Petition.

4. The requisite consent affidavits of the other legal heirs 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 clause (a), which reads as under :-

“(a) That Legal Heir ship Certificate be issued Certifying that the Petitioner, his two Maternal Aunt’s and one real brother are the only Heirs and Legal Representative of the Deceased under the provision of 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.)