

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

MISCELLANEOUS PETITION NO.124 OF 2023

Shruti Haren Desai : Deceased

Haren Vaikunthlal Desai : Petitioner.

Mr. D. R. Talankar for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 25th 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 Shruti Haren Desai ('the deceased'), who is said to have died intestate on 18th August 2018. A copy of the death certificate of the deceased is also annexed to the Miscellaneous Petition. It is stated that despite due diligent search, no Will of the deceased has been found. It is therefore assumed that the said deceased died intestate.

2. The Petitioner herein is the only legal heir and next of kin of the deceased according to the Hindu Succession Act, 1956.

3. The reason for which the Legal Heirship Certificate is required is set out in paragraph No.11 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 sought for by the Petitioner.

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 complete in all respect 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) 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 is the only heir and legal representative of the deceased”

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

8. Office to expedite issuance of grant of Legal Heirship Certificate.

9. In view of the fact that the Petitioner is the only legal heir of the deceased, issuance of proclamation is dispensed with.

10. Miscellaneous Petition is accordingly disposed of. There shall be no order as to costs.

(ARIF S. DOCTOR, J.)