

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

MISCELLANEOUS PETITION NO.114 OF 2023

Suresh Vishwanath Mallya : Deceased

Manisha Suresh Mallya : Petitioner.

Ms. Jeniffer Michael i/by Advocate Kaizeen Mistry 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 Suresh Vishwanath Mallya ('the deceased'), who is said to have died intestate on 29th August 2022. 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 said deceased left behind him surviving as his only legal heirs and next of kin according to the Hindu Succession Act, 1956, the persons mentioned in the table in paragraph 4 of the Petition.

3. The reasons for which the Legal Heirship Certificate is required

are set out in paragraph Nos.8 and 9 of the Miscellaneous Petition.

4. The other legal heir of the deceased has filed consent affidavit which is 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 sought for by the Petitioner.

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) That this Hon’ble Court be pleased to issue a Legal Heirship Certificate to the Petitioner under the provision of Bombay Regulation Act, VIII of 1827, certifying that the Petitioner along with Mr. Krishna Suresh Mallya are the only legal heirs and representatives of the Deceased (Late) Suresh Vishwanath Mallya.”

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

9. In view of the fact that the requisite consent affidavit has been filed,

the 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.)