

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.380 OF 2023

Rajendra Shankarlal Jain ... Petitioner

Shankarlal Sohanlal Jain ... Deceased

Ms. Gayatri S. Kapse for Petitioner.

CORAM : MANISH PITALE, J.
DATE : OCTOBER 30, 2023

P.C. :

By this petition filed under the provisions of the Bombay Regulation Act VIII of 1827, the petitioner is seeking issuance of legal heirship certificate in his favour, being the only legal heir of the deceased, who was his father.

2. It is stated that the deceased died on 23.10.2021. Copy of the death certificate is placed at exhibit - A, which shows that at the time of death, the deceased was residing at Room No.169, Building No.11, Mayur CHS Limited, Sardar Nagar-4, Sion-Koliwada, Mumbai 400 022. The deceased died intestate, without leaving behind any Will. It is specifically stated in paragraph 4 that the petitioner is the only surviving legal heir of the deceased, since the wife of the deceased predeceased him. Copy of her death certificate showing her date of death as 25.03.2015 is annexed at exhibit - B. It is also stated in the petition that the legal heirship certificate is required for transfer of immovable property left behind by the deceased.

3. In the light of the material placed on record, this Court is convinced that the prayer made in the petition can be allowed. The petition is accepted and proclamation is dispensed with. The petition is

allowed in terms of prayer clause (a), which reads as follows:-

“(a) That, Legal Heirship Certificate be issued certifying that the petitioner is the only heir and legal representative of the deceased under the provision of Bombay Regulation Act, VIII of 1827 as mentioned in para-4 hereinabove.”

4. The department to proceed expeditiously in the matter.

(MANISH PITALE, J.)

Minal Parab