

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

MISCELLANEOUS PETITION NO.153 OF 2023

Palani Chandrashekhra

S/o. Palani Devendra alias

P Chandrashekhra alias

Palani Chandrashekhar alias

Palani Chandrashekhar : Deceased

Deepan Chandrashekhra Devendra : Petitioner.

Mr. S U Lakdawala a/w Mr. Vijay Badgujar i/by Mr. R N Kachave for the
Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 28th 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 Palani Chandrasekhra s/o Palani Devendra ('the deceased'), who died in on 13th January 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 4 of the Petition.

3 The reason for which the Legal Heirship Certificate is required is set out in paragraph 6 of the Miscellaneous Petition.

4 The other legal heirs of the deceased have filed their 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.

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 a Legal Heirship Certificate be granted in favour of Petitioner along with heirs mentioned in Para 4 above certifying them as legal heirs/representative of the said Deceased under the Provision of Bombay Regulation Act, VIII of 1827.”

8 In view of the Consent Affidavit filed by other legal heirs, issuance of proclamation is dispensed with.

9 Since the legal heirship certificate is sought for employment on compassionate ground, the Registry shall issue the Legal Heirship Certificate expeditiously in the standard format prescribed for the same.

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

(ARIF S. DOCTOR, J.)