

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.115 OF 2023**

(1) Anant Trimbak Kuber alias Anant Kuber ... Deceased No.1
(2) Neena Anant Kuber alias Neena Kuber ... Deceased No.2

Anil Anant Kuber ... Petitioner

Mr. Prabhu Velar for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 10TH 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 Anant Trimbak Kuber alias Anant Kuber ('the Deceased No.1'), who died on 13/05/1996 and Neena Anant Kuber alias Neena Kuber ('the Deceased No.2'), who died on 09/08/2013. 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 Petitioner is the sole legal heir and next of kin of both the deceased according to the Hindu Succession Act, 1956, by which the deceased were governed at the time of their death.

3. The reason, for which the Legal Heirship Certificate is required, is set out in paragraph 7 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.

5. 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.

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 provision of Bombay Regulation VIII of 1827 certifying that Anil Anant Kuber (son) is the only legal heir of both the deceased i.e. Anant Trimbak Kuber alias Anant Kuber (father) and Neena Anant Kuber (Mother)”

7. The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same.
8. Since the Petitioner is the only legal heir of the deceased, issuance of Proclamation is dispensed with.
9. The Miscellaneous Petition is accordingly disposed of. There shall be no order as to costs.

(ARIF S. DOCTOR, J.)