

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.403 OF 2023

Amit Hiralal Shah ... Petitioner

Hiralal Kanji Shah ... Deceased

Ms. Sujata R. Babar for Petitioner.

CORAM : MANISH PITALE, J.
DATE : FEBRUARY 13, 2024

P.C. :

. Heard learned counsel for the petitioner.

2. 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 favour of the surviving legal heirs of the deceased.

3. The deceased was the father of the petitioner. The deceased expired on 03.06.2021. Copy of his death certificate is annexed to the petition. It is stated that at the time of his death, the deceased had a fixed place of abode at 23/449, Viram Mansion Mahila Ashram Road, Aurora Talkies King Circle, Matunga, Greater Mumbai, Mumbai - 400 019. The deceased is stated to have died intestate, without executing any Will.

4. In paragraph 4 of the petition, the petitioner has given details of the surviving legal heirs of the deceased i.e. the son (petitioner), wife and two married daughters of the deceased. It is stated that the parents of the deceased predeceased him. It is further stated that the legal heirship is required in the context of immovable properties left behind by the deceased.

5. The consent affidavits of the wife and two daughters of the

deceased are annexed to the petition.

6. In view of the material placed on record, the petition is accepted and proclamation is dispensed with.

7. 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, his mother and two married sisters are the only heirs and legal representatives of the deceased under the provision of Bombay Regulation Act VIII of 1827.”

(MANISH PITALE, J.)

Minal Parab