

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.443 OF 2023

Avineesh Jayakara Shetty ... Petitioner

Jayakara Subbanna Shetty ... Deceased

Ms. Kaizeen Mistry for Petitioner.

CORAM : MANISH PITALE, J.
DATE : JANUARY 23, 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, who expired on 03.12.2022. Copy of the death certificate is annexed to the petition. It is stated in the petition that at the time of his death, the deceased had a permanent residence at Flat No.-B/506, Nation Park View-2, Kulupwadi, Mumbai, Borivali East, Maharashtra, Mumbai - 400 066. The deceased died intestate, without leaving behind any Will.

4. In paragraph 5 of the petition, the details of the surviving legal heirs have been given, which include the petitioner himself (son) and one daughter of the deceased. It is specifically stated that the mother of the deceased and the wife of the deceased predeceased him. Copies of their death certificates are placed on record. The consent affidavit of the daughter is placed on record at Exhibit 'C'.

5. In view of the material placed on record, the petition is accepted

and proclamation is dispensed with.

6. The petition is allowed in terms of prayer clause (a), which reads as follows:-

“(a) That this Hon'ble Court be pleased to issue a Legal Heirship Certificate to the Petitioner under the provisions of Bombay Regulation Act, VIII of 1827, certifying that the Petitioner along with Ms. Akshata Jayakara Shetty are the only legal heirs and representatives of the Deceased (Late) Jayakara Subbanna Shetty;”

(MANISH PITALE, J.)

Minal Parab