

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

MISCELLANEOUS PETITION NO.22 OF 2025

Madanlal Kedarnath Gupta

... Deceased

Pankaj Madanlal Gupta

... Petitioner

Mr. Yuvraj D. Patil for the Petitioner.

Mr. Sunil Chaturvedi a/w A. Upadhyay for the Legal Heir of the deceased.

CORAM : ARIF S. DOCTOR, J.

DATE : 15TH APRIL 2025

P.C. :

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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 Madanlal Kedarnath Gupta ('the deceased'), who died at Mumbai on 14th March 1979. 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. This Court had issued a Proclamation on 27th February 2025.

3. Mr. Chaturvedi, Learned Counsel appearing on behalf of the Legal Heir of the deceased today points out that the Petition incorrectly mentions that the wife of the deceased, viz., Shakuntala Madanlal Gupta, is predeceased the deceased. He submits that this is factually incorrect statement since the wife of the deceased is alive today.

4. To this, Learned Counsel appearing on behalf of the Petitioner submits that the averments made in Paragraph 4 of the Petition, that the wife of the deceased is predeceased the deceased, is inadvertently made since in the table the same is not even mentioned. He seeks leave of the Court to delete that line contained in Paragraph 4 of the Petition. Leave as prayed for is granted. The same to be carried out within a period of one week from today. Re-verification is dispensed with.

5. Mr. Chaturvedi submits that he does not have any objection apart from the above for issuance of the legal heirship certificate, but submits that the same must reflect the names of all the legal heirs of the deceased. A perusal of prayer clause (b) of the Petition reflects the same.

6. 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.

7. The reason for which the Legal Heirship Certificate is required is set out in paragraph 7 of the Miscellaneous Petition.

8. The Petition has been duly verified by the Registry. 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.

9. I have heard the learned Counsel appearing for the parties 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.

10. The Miscellaneous Petition is therefore allowed in terms of prayer clause (b), which reads as under :-

“b) This Hon'ble Court pleased to issue a Legal Heirship Certificate to the Petitioner under the Provision of Bombay Regulation VIII of 1827 certifying that the Petitioner along with the heirs Mentioned in para 4 are the only heirs and legal representatives of the said deceased.”

11. The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same.

12. The Miscellaneous Petition is accordingly disposed of.

(ARIF S. DOCTOR, J.)