

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION (L) NO.33621 OF 2024

Mahendra Dharamshi Jhobalia alias Shah ...Deceased

Shakuntala Mahendra Jhobalia ...Petitioner

Mr VA Joshi, i/b Chitnis Vaithy & Co, for the Petitioner.

CORAM. ARIF S. DOCTOR, J
DATED: 2ND JANUARY 2025

PC:-

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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 Mahendra Dharamshi Jhobalia alias Shah (**"the deceased"**), who died in Mumbai on 22nd May 2024. 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 7 of the Miscellaneous Petition.

4. The other legal heir of the deceased has filed 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) This Hon’ble Court be pleased to grant / issue a Legal Heirship Certificate to the Petitioner under the provisions of Bombay Regulation VIII of 1827 certifying that the Petitioner and Shri Sanjay Mahendra Jhobalia are the only heirs and legal representatives of the said deceased Mr. Mahendra Jhobalia.”

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

9. The Miscellaneous Petition is accordingly disposed of.

(ARIF S. DOCTOR, J)

Note. This order is modified as per order dated 21st February 2025.