

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 52 OF 2025

Umesh Dunichand Motwani

...Petitioner

Dunichand Chimandas Motwani & Anr.

...Deceased

Adv. Sandesh Kamble for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 12TH FEBRUARY, 2025

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 Dunichand Chimandas Motwani, who died on 8th December, 2008 and Chandra Dunichand Motwani, who died on 22nd December, 2016 ('the deceased') at Mumbai. Copies of the death certificates are 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 them surviving as their 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 6 of the Miscellaneous Petition.

4. The other legal heirs of the deceased have filed consent affidavits, which are annexed to the Petition.

5. The Registry has duly verified the Petition. 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. It is clarified that the Legal Heirship Certificate shall be drawn up in the usual format incorporating all the legal heirs.

8. The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same, subject to all compliance of office requisitions.

9. The Miscellaneous Petition is accordingly disposed of. There shall be no order as to costs.

(ARIF S. DOCTOR, J.)