

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 60 OF 2025

Amit Gian Chand Jain through Duly Constituted
Attorney Rajesh Ramkailash Shukla & Anr. ...Petitioners

Gian Chand Shikhar Chand Jain ...Deceased

Mr. Jayant Wani a/w Pranali Rane for the Petitioners.

CORAM : ARIF S. DOCTOR, J.
DATE : 27TH FEBRUARY, 2025

P.C.:-

1. The Petitioners seek the grant of a Legal Heirship Certificate under the provisions of Section 2 of the Bombay Regulation VIII of 1827 in respect of one Gian Chand Jain S/o late Shikhar Chand Jain ('the deceased'), who died at Delhi on 28th October, 2019. 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 10 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 Petitioners 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. The Certificate of Legal Heirship thereby certifying that the both Petitioners along with all heirs mentioned in Paragraphs No. 4 of the Petition be and are recognized as heirs of the Deceased **GIAN CHAND SHIKHAR CHAND JAIN**, who in the form of under Section 2 of Bombay Regulation VIII of 1827 be granted to in favour of the Petitioner.”*

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.

10. Issuance of proclamation is dispensed with.

(ARIF S. DOCTOR, J.)