

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 118 OF 2025

Mahavash Farhad Kavian

...Petitioner

Farhad Boman Kavian

...Deceased

Adv. Dhansukh Tailor for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 18TH MARCH, 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 Farhad Boman Kavian ('the deceased'), who died at Thane on 11th December, 2023. 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 heir and next of kin the Petitioner according to the Indian Succession Act, 1925.

3. The reason for which the Legal Heirship Certificate is required is set out in paragraph 12 of the Miscellaneous Petition.

This order is corrected pursuant to speaking to the minutes order dated 28th March, 2025.

Shubham

4. 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.

5. 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.

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

“a. this Hon'ble Court be pleased to issue a Legal Heirship Certificate to the Petitioner under the provisions of Bombay Regulation VIII of 1827 certifying that the petitioner abovenamed i.e. Mahavash Farhad Kavian, who is the sole surviving heir and the daughter of the deceased i.e. Shri. Farhad Boman Kavim, required to be submitted to the Owners/Landlord namely, Todywalla Estates Pvt. Ltd; having address at Todywalla House, 80, Ardeshir Dady Street, Khetwadi, Mumbai – 400004 as well as production before M/s. Farisian Star Cafeteria situated at 8 33a St – AL Fahidi – Dubai – United Arab Emirates.”

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

This order is corrected pursuant to speaking to the minutes order dated 28th March, 2025.

Shubham

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

(ARIF S. DOCTOR, J.)