

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

MISCELLANEOUS PETITION NO.122 OF 2025

Shaileshkumar Nataverbhai Patel ... Deceased

Devika Shaileshkumar Patel ... Petitioner

Adv. D. Vithalani a/w Vaibhav Shah for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 25TH 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 Shaileshkumar Nataverbhai Patel ('the deceased'), who died at Mumbai on 28th November 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 heirs and next of kin according to Hindu Succession Act, 1956, the persons mentioned in the table in paragraph 4 of the Petition.

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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 heirs of the deceased have filed consent affidavits, which are annexed to the Petition.

5. The Petition has been duly verified by the Registry and the same is numbered. 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) That the Legal Heirship Certificate may be granted to the Petitioners certifying that (1) Mrs. Devika Shaileshkumar Patel, widow & Petitioner abovenamed and (2) Rishan Shaileshkumar Patel and (3) Mr. Shanil Patel, are the legal

heirs and representatives of the said deceased under the Provisions of the Bombay Regulation Act VIII of 1827;"

8. The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same. Issuance of proclamation is dispensed with.

9. The Miscellaneous Petition is accordingly disposed of.

(ARIF S. DOCTOR, J.)