

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 159 OF 2025

Himanshu Rameshchandra Upadhyay

...Petitioner

Rameshchandra Dahyabhai Upadhyay

...Deceased

Mr. Ketan Joshi a/w Shraddha D. for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 27TH 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 Rameshchandra Dahyabhai Upadhyay ("the deceased"), who died at Mumbai on 18th September 2007. 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 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 in terms of prayer clause (a) which reads as under :-

“ a) That a Legal Heirship Certificate be issued under the provision of Bombay Regulation Act VIII of 1827, Certifying that Hemanshu Rameshchandra Upadhyay (son of the deceased) and all other Legal heirs in Para 4 are legal heir and Legal representative of the Deceased.”

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.)