

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 162 OF 2025

Chandrashekar Murugesh Mudhaliar & Ors.

...Petitioners

Muniamma Murugesh Mudhaliar alias

Muniamma Mudhaliar

...Deceased

Mr. Swapnil Narkar for the Petitioners.

CORAM : ARIF S. DOCTOR, J.

DATE : 27TH MARCH, 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 Muniamma Murugesh Mudhaliar alias Muniamma Mudhaliar alias Muniamma Murugesh Mudliyar alias M M Mudaliyar ('the deceased'), who died at Mumbai on 5th September, 2012. 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 her surviving as her 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 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) This Hon'ble Court be pleased to issue a Legal Heirship Certificate to the petitioners under the provision of Bombay Regulation VIII of 1827 certifying 1) Chandrashekar Murugesh Mudhaliar (Son of the deceased) the Petitioner No.1 herein & 2) Ravi Murugesh Mudhaliar (Son of the deceased) the Petitioner No.2 herein and 3) Uma Murthy Mudhaliar (Married Daughter of the deceased) the Petitioner

No. 3 herein and 4) Dhanlaxmi Raju Mudaliyar (Married Daughter of the deceased) and 5) Rajeshwari Ravi Mudhaliar (Grand Daughter of the deceased) and 6) Vijayalakshmi Tamil Mudhaliar (Grand Daughter) and 7) Sandhya Ramesh Sarate (Grand Daughter) and 8) Dhanalakshmi Vaidyanathan Iyer herein are the only legal heirs of the deceased i.e. Muniamma Murugesh Mudhaliar alias Muniamma Mudhaliar alias Muniamma Murugesh Mudliyar alias M M Mudaliyar."

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.)