

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 215 OF 2024**

Deepak Shantaram Satam

...Petitioner

Shantaram Horoji Satam alias Satam Shantaram

...Deceased

Ms. Seema Hunnurkar i/by Seema Hunnurkar and Associates for the Petitioner.
Mr. Kapil Shetye for the objectors.

CORAM : ARIF S. DOCTOR, J.

DATE : 5TH 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 Shantaram Horoji Satam alias Satam Shantaram ('the deceased'), who died at Mumbai on 15th August, 2004. 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 5 of the Miscellaneous Petition.

4. The Petition is opposed by the other legal heirs of the deceased, namely, Nitin Shantaram Satam and Pratima Pradeep Parab on the ground that one of the properties of the deceased did not belong solely to the deceased, but was purchased jointly by all the legal heirs of the deceased including the Petitioner.

5. Learned Counsel appearing on behalf of the objectors submitted that he has no objection to the grant of the Legal Heirship Certificate with the aforesaid submissions having been recorded. In view of this and given the fact that there is no dispute today before me qua the entitlement of the Petitioner to the Legal Heirship Certificate, which in any way will be in the name of all the legal heirs, I am inclined to allow the Petition.

6. 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.

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 Petitioner under the provisions of Bombay Regulation VIII of 1827 certifying that the Petitioner, alongwith the heirs mentioned para no. 4 herein above are the only heirs and legal representatives 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.)