

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 234 OF 2025**

Anurag Mohan Dube] **Petitioner**

Nisha Anurag Dube] **Deceased**

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Mr. Ravi Kumar Chidurala, for Petitioner.

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CORAM : **ARIF S. DOCTOR, J.**

DATE : **23rd APRIL, 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 Nisha Anurag Dube (“the deceased”), who died in Mumbai on 24th April, 2021. 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 9 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. 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. Since one of the legal heirs son of the deceased had not consented, this Court vide an order dated 10th October, 2024 directed issuance of proclamation.

Learned Counsel placed reliance upon an affidavit of service dated 13th November, 2024 in compliance of the order dated 10th October, 2024. Despite which, none has appeared to oppose the Petition. Having due regard to this, the Miscellaneous Petition is therefore allowed in terms of prayer clause (a) which reads as under :-

“(a) That Legal Heirship Certificate be issued Certifying that the Petitioner along with his two children as mentioned above are only Heir and Legal Representative of the Deceased under the provision of Bombay Regulation Act VIII of 1827”.

8. The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same.

9. The Miscellaneous Petition is accordingly disposed of.

[ARIF S. DOCTOR, J.]