

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

MISCELLANEOUS PETITION NO.455 OF 2024

Fali Burjorji Mehta alias Fali B. Mehta alias Mehta
Fali Birjor alias (Fali) Framroze Barjorji Mehta,
Fali Barjorji Mehta ... Deceased

Gulrukh Behram Sabawala nee Gulrukh Fali Mehta
& Anr. ... Petitioners

Mr. Hussain Dholkawala i/by KRY Legal for the Petitioners.

CORAM : ARIF S. DOCTOR, J.

DATE : 03RD JANUARY 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 Fali Burjorji Mehta alias Fali B. Mehta alias Mehta Fali Birjor alias (Fali) Framroze Barjorji Mehta, Fali Barjorji Mehta ('the deceased'), who died in Mumbai on 30th April 1999. 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 the Indian Succession Act, 1925, 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 Petitioners are the only legal heirs of the deceased. Hence the question of filing any consent affidavit does not arise.

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 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 clauses (a) and (b), which read as under :-

“ a. That a Legal Heirship Certificate be issued under the provisions of Bombay Regulation Act VIII of 1827 certifying that (1) Gulrukh Behram Sabawala nee Gulrukh Fali Mehta, i.e., the daughter of the Deceased – Petitioner No.1 herein and (2) Burjor Fali Mehta, i.e., the son of the Deceased- Petitioner No.2 herein are the only legal heirs and legal representatives of the Deceased;

b. That the issuance of proclamation be dispensed with “

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.)