

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.503 OF 2024

Nipurna Srivastava nee Nipurna Mahesh Sharma ...Deceased

Vivek Srivastava & Ors ...Petitioners

Mr Khushnuman Banerjee, i/b Vidhii Partners, for the Petitioners.

CORAM. ARIF S. DOCTOR, J
DATED: 3RD JANUARY 2025

PC:-

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SANJAY
MORMARE

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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 Nipurna Srivastava nee Nipurna Mahesh Sharma (**"the deceased"**), who died in Mumbai on 3rd January 2023. 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 6 of the Petition.

3. The reason for which the Legal Heirship Certificate is required is set out in paragraph 12 of the Miscellaneous Petition.

4. The Petitioners are the only legal heirs. Hence, there is no question of filing of any Consent Affidavit.

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. The Miscellaneous Petition is therefore allowed in terms of prayer clause (a), which reads as under:

“(a) This Hon’ble Court may be pleased to grant Legal Heirship Certificate thereby certifying that the Petitioner viz., Vivek Srivastava and Arjun Vivek Srivastava are recognized as the legal heirs and representatives of Nipurna Vivek Srivastava nee Nipurna Mahesh Sharma, the Deceased above named be granted.”

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)