

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

MISCELLANEOUS PETITION NO.611 OF 2024

Devaky S. Menon alia Devaki Sivaramamenon
alias Devaki Sivarama Menon alias Devaky
Sivarama Menon alias Devaki Sivaram Menon alias
Devaky Sivaram Menon ... Deceased

Madhu Sivaram Menon ... Petitioner

Mr. Sameer Logade for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 21ST JANUARY 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 Devaky S. Menon alia Devaki Sivaramamenon alias Devaki Sivarama Menon alias Devaky Sivarama Menon alias Devaki Sivaram Menon alias Devaky Sivaram Menon ('the deceased'), who died in Kerala on 20th October 2008. 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 paragraphs 7, 8 and 9 of the Miscellaneous Petition.

4. The Petitioner is the sole surviving legal heir of the deceased and hence question of any consent 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 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) That a Legal Heirship Certificate be issued, certifying that Madhu Sivaram Menon is the heirs and legal representatives of the deceased abovenamed 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.)