

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 613 O 2024

Harishankar Suryabali Singh ...Deceased

Rekha Ajit Singh ...Petitioner

Mr Jayesh Dilip Patil, *with Mallika Pujari, for the Petitioner.*

CORAM: ARIF S. DOCTOR, J
DATED: 2ND JANUARY 2025

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SANJAY
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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 Harishankar Suryabali Singh (**"the deceased"**), who died in Mumbai on 26th March 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 5 of the Petition.

3. The reason for which the Legal Heirship Certificate is required is set out in paragraph 10 of the Miscellaneous Petition.

4. The only other legal heir of the deceased has filed Consent Affidavit, which is annexed to the Petition.

5. 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 clauses (a) and (b) which read as under:

“A) That this Hon'ble Court be pleased to issue a Legal Heirship Certificate to the Petitioner under the provisions of Bombay Regulation Act, VIII of 1827, certifying that the Petitioner along with the other heirs mentioned in paragraph 5 are the only legal heirs and representatives of the Deceased (Late) Harishankar Suryabali Singh.

B) That 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)