

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 625 OF 2024

Surendra Dagadu Gujar alias Surendra D Gujar alias ...Deceased
Surendra Dagdu Gujar

Sujeet Surendra Gujar & Ors ...Petitioners

Mr Rajesh S Desai, for the Petitioners.

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

SHEPHALI
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 Surendra Dagadu Gujar alias Surendra D Gujar alias Surendra Dagdu Gujar (**"the deceased"**), who died in Mumbai on 19th December 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 him surviving as his only heirs and next of kin according to Hindu Succession Act, 1956, the persons

mentioned in the table in paragraph 8 of the Petition. The wife of the deceased was passed away on 24th March 2023. Her Death Certificate is also annexed to the Miscellaneous Petition.

3. The Legal Heirship Certificate is required for the purposes of collecting the retirement dues of the deceased from the Forests Department.

4. 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.

5. 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.

6. The Miscellaneous Petition is therefore allowed in terms of prayer clauses (a) and (b) which read as under:

“(a) That the Legal Heirship Certificate thereby certifying the Petitioners as the recognized legal heirs and representatives of the deceased with Schedule of Assets be granted to the Petitioners for collecting the Assets of the deceased.

(b) That the Proclamation may please be dispensed with.”

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

8. The Miscellaneous Petition is accordingly disposed of.

(ARIF S. DOCTOR, J)