

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

MISCELLANEOUS PETITION NO. 630 OF 2024

Vijaya Krishnan Unnithan. ... Petitioner.

Saraswathy Unnithan. ... Deceased.

Ranjeet Kumar Singh for the Petitioner.

CORAM: ARIF S. DOCTOR, J.

DATE: 22 January 2025.

SANJAY
KASHINATH
NANOSKAR

P.C. :

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 Saraswathy Unnithan ('the deceased'), who died on 16 July 2024. 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 4 of the Petition.

3. The reason for which the Legal Heirship Certificate is required is set out in paragraph-8 of the Miscellaneous Petition.

4. The Petitioner is the wife of the deceased. There is only one other legal heir of the deceased who has filed consent affidavit which is annexed to the Petition.

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 thus:

“ (a) That Legal Heirship Certificate be issued Certifying that the Petitioner & his son are the only Heirs and Legal Representatives of the Deceased 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.)