

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 634 OF 2024

Sumita Mazumdar ...Deceased

Soumitra Mazumdar & Ors ...Petitioners

Mr Dhyan Shah i/b Rajesh Kothari & Co, for the Petitioners.

CORAM. ARIF S. DOCTOR, J
DATED. 7TH JANUARY 2025

PC:-

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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 Sumita Mazumdar (**"the deceased"**), who died in Mumbai on 10th September 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 him surviving as his only heirs and next of kin according to Hindu Succession Act, 1956, the persons mentioned in the table in paragraph 2 of the Petition.

3. The reason for which the Legal Heirship Certificate is required is set out in paragraphs 5 and 5A of the Miscellaneous Petition.

4. All the Petitioners are the legal heirs. Hence, the issue of filing of any Consent Affidavit 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 clauses (a) and (b) which read as under:

“(a) That a Heirship Certificate certifying that Petitioners, viz» Soumitra Rishab Mazumdar, Mazumdar Aparajita are the only Mazumdar legal heirs and of the Deceased abovenamed under the provision of Bombay Regulation Act VII of 1827;

(b) That delay if any in filing this Petition be condoned;

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)