

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 663 OF 2024

Suryakant Krishnarao Rane ...Deceased

Anil Suryakant Rane & Anr ...Petitioners

Ms Meera Barge, 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 Suryakant Krishnarao Rane (**"the deceased"**), who died in Mumbai on 7th July 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 4 of the Petition.

3. The reason for which the Legal Heirship Certificate is required is set out in paragraphs 8, 9 and 10 of the Miscellaneous Petition.

4. All the Petitioners are the legal heirs of the deceased. Hence, the question 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 Legal Heirship Certificate be issued Certifying that the Petitioner No. 1 & 2 are the only Heirs and Legal Representative of the Deceased under the provision of Bombay Regulation Act, VIII of 1827.

(b) That the Proclamation may be dispense 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)