

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

MISCELLANEOUS PETITION NO.672 OF 2024

Meena Jitendra Merchant alias Niti Jitendra Merchant ... Deceased

Drumil Jitendra Merchant ... Petitioner

Mr. Ashok Satpute for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 01ST APRIL 2025

P.C. :

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 Meena Jitendra Merchant alias Niti Jitendra Merchant ("the deceased"), who died on 18th July 2019. 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 Petitioner is the sole legal heir of the deceased according to Hindu Succession Act, 1956.

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3. The reason for which the Legal Heirship Certificate is required is set out in paragraph 6 of the Miscellaneous Petition.

4. As the Petitioner is the sole legal heir of the deceased, the question of filing of any consent affidavit does not arise.

5. The Petition has been duly verified by the Registry and the same is numbered. 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 (B), which reads as under :-

“(B) This Hon’ble Court be pleased to issue a Legal Heirship Certificate to the Petitioner under the provision of Bombay Regulation VIII of 1827 certifying that the Petitioner alone is the only and sole Heir and Legal Representative and Next of Kin of the said deceased.”

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.)