

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 684 OF 2024

Armin Bejan Anklesaria

...Petitioner

Jini Nusservanji Anklesaria

...Deceased

Mr. B. G. Saraf for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 9TH JANUARY, 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 Ms. Jini Nusservanji Anklesaria ('the deceased'), who died in Mumbai on 08.08.2010. 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 her surviving as her only heirs and next of kin according to Indian Succession Act, 1925, 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 7 of the Miscellaneous Petition.

4. The other legal heirs of the deceased have filed consent affidavits, which are 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 as under :-

“ (a) That this Hon’ble Court be pleased to grant to the Heirship Certificate certifying that 1. Dinaaz Bejan Anklesaria, being Niece, and 2. Armin Bejan Anklesaria, being niece to be declared as the legal heirs and legal representatives of the deceased Late Jini Nusservanj Anklesaria. Under the provision of the Bombay Regulation Act VIII of”

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.)