

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

MISCELLANEOUS PETITION NO.92 OF 2025

Gautam D. Modi alias Gautam Dhirajlal Modi ... Deceased

Sonal Jesal Shah & Anr. ... Petitioners

Ms. Rashmi Parmar for the Petitioners.

CORAM : ARIF S. DOCTOR, J.

DATE : 06TH MARCH 2025

P.C. :

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 Gautam D. Modi alias Gautam Dhirajlal Modi ('the deceased'), who died in Mumbai on 25th May 2007. 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 Petitioners are the only legal heirs 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 9 of the Miscellaneous Petition.

4. The Petitioners are the only legal heirs of the deceased. Hence there is no question of filing any consent affidavit.

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 Legal Heirship Certificate be issued under the provision of Bombay Regulation Act VIII of 1827 Certifying that (1) Sonal Jesal Shah (Married Daughter of the deceased and the Petitioner No.1 herein), (2) Archana Parameshwaran (Married Daughter of

the deceased and the Petitioner No.2 herein), are the only heirs and Legal representatives of the deceased.

b) That issuance of Proclamation be dispensed 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.)