

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

MISCELLANEOUS PETITION NO.131 OF 2025

Rajesh Kishin Masand ... Deceased

Anita Nilesh Khatri ... Petitioner

Ms. Pooja Shah for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 25TH MARCH 2025

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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 Rajesh Kishin Masand ('the deceased'), who died at Mumbai on 10th August 2014. 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.

3. The reason for which the Legal Heirship Certificate is required is set out in paragraph 9 of the Miscellaneous Petition.

4. As the Petitioner is the sole legal heir of the deceased, the question of filing 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 clauses (a) and (b), which read as under :-

“(a) That a Legal Heirship Certificate of the Deceased be issued under Section 2 of Bombay Regulation VIII of 1827, certifying that Anita Nilesh Khatri (Sister of the Deceased) is the only heir and Legal representative of the deceased abovenamed.

(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.)