

Shailaja

corrected vide order dated 15th April, 2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC. PETITION NO. 149 OF 2025

Nivedita Tiwari David | **Petitioner**

Raja Binny David | **Deceased**

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Mr. Jayant Wane, for Petitioner.

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CORAM : ARIF S. DOCTOR, J.

DATE : 26th MARCH, 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 Raja Binny David (deceased) who died at Mumbai on 14th March, 2024. 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 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 10 of the Miscellaneous Petition.
4. The other legal heirs of the deceased have filed consent affidavits, which are annexed to the Petition.
5. The Registry has duly verified the Petition. 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 Legal Heirship Certificate be issued Certifying that the Petitioner along with her minor daughter as mentioned above are only Heir and Legal Representative of the Deceased under the provision of Bombay Regulation Act VIII of 1827”.

8. The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same, subject to all compliance of office requisitions.

9. The Miscellaneous Petition is accordingly disposed of. There shall be no order as to costs.

[ARIF S. DOCTOR J.]