

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 170 OF 2025

Amarnath Sukhdevprasad Devbansi

...Petitioner

Sukhdev Prasad Devvanshi alias

Sukhdev Prasad Devbansi

...Deceased

Ms. Ankita Phatak for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 27TH 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 one Sukhdev Prasad Devvanshi alias Sukhdev Prasad Devbansi alias Sukhdevprasad B. Devbansi alias Sukhdevprasad Banarasi Devbanshi alias Patwa Sukhdeo Banarasi Prasad ('the deceased'), who died at Varanasi on 24th September, 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 him surviving as his only heirs and next of kin according to Hindu Succession Act, 1956, 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 heir of the deceased has filed consent affidavit, which is 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 a Legal Heirship Certificate be issued under the provision of Bombay Regulation Act VIII of 1827 Certifying

that (1) Amarnath Sukhdevprasad Devbansi (Son of the Deceased and the Petitioner herein) and (2) Radheshyam Sukhdevprasad Devbanshi (Son of the deceased), are the only heirs and Legal representative of the deceased."

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.)