

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.218 OF 2025**

Kaup Chandu Girya Shetty and another ... Deceased

Pravin Chandu Shetty and another ... Petitioners

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Mr. Surendrakumar Shetty, for Petitioners.

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CORAM : ARIF S. DOCTOR, J.

DATE : 17TH APRIL 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 Kaup Chandu Girya Shetty and Saumyalata Chandu Shetty, (‘the deceased’), who died in Mumbai on 3rd August, 2015 and 27th November, 2024 respectively. Copies of the death certificates are 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 them surviving as their 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 petitioners are the only legal heirs of the deceased as per Hindu Succession Act, 1956.

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 Petitioners 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 the Heirship Certificate may be granted certifying that Petitioner Pravin Chandu Shetty and Pramod C.handu Shetty, being Sons of the deceased and the Petitioners herein, to be declared as the legal heirs and legal representatives of Late Kaup Chandu Giryra Shetty, being the deceased No. 1 and Late Saumyalata Chandu Shetty being the deceased No. 2, under the provision of the Bombay Regulation Act VIII of 1827”.

8. The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same. Issuance of proclamation is dispensed with.

9. The Miscellaneous Petition is accordingly disposed of.

[ARIF S. DOCTOR, J.]