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

MISC. PETITION NO. 298 OF 2025

Sibesh Kumar Son of Ram Narayan Prasad ... Deceased

Zohra Hajiani wife of Sibesh Kumar ... Petitioner

Ms. Seema Hunnurkar for the Petitioner.

CORAM : Kamal Khata, J.
DATED : 24th June 2025.

P.C.:-

1. The Petitioner seeks issuance of a Legal Heirship Certificate under Section 2 of the Bombay Regulation *VIII* of 1827 in respect of one Sibesh Kumar Son of Ram Narayan Prasad ("the deceased"), who passed away in Mumbai on 16th October 2024. A copy of the death certificate is annexed to the Petition as Exhibit 'A'.

2. The deceased died intestate. It is stated that the Petitioner and the other legal heirs of the deceased are mentioned in paragraph No.4 of the Petition and have filed

consent affidavit for granting of Legal Heirship Certificate in the name of the Petitioner.

3. Learned Advocate Ms. Hunnurkar for the Petitioner submits that the averment about the legal heirs and next of kin of the deceased, in terms of Section **8(a)** of the Hindu Succession Act, 1956 is set out in paragraph No.4 of the Petition. She further submits that the Legal Heirship Certificate is sought to declare the Petitioner as legal heir and to facilitate transfer of the property mentioned in Schedule of Assets annexed as Exhibit 'E' to the Petition.

4. The other legal heir of the deceased is a minor and her mother (Petitioner herein) has filed her consent Affidavit at page No.92 of the Petition, wherein she has given her full and free consent for the Legal Heirship Certificate to be granted in favour of the Petitioner.

5. In view of the aforesaid submissions and the material placed on record, the Petition is allowed. The requirement of proclamation is dispensed with. Learned Advocate for the petitioner on instructions submits that Petitioner will compensate any party who is prejudiced or affected by passing of this Order.

6. Petition is made absolute in terms of prayer clause (a)

which read as follows:

“a. This Hon’ble Court be pleased to issue
Legal Heirship Certificate to the Petitioner
under the provision of Bombay Regulation VII
of 1827 certifying that the petitioner,
alongwith the heirs mentioned in para no.4
herein above are the only heirs and legal
representatives of the deceased.”

7. All concerned to act on an authenticated copy of this
order.

(Kamal Khata, J.)

Note: This order is modified by an order dated 21st August 2025.
Corrections and shown in bold and italics.