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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC. PETITION NO. 373 OF 2025**

Bhimraj Hiralal Jain ... Deceased

Ramesh Bhimraj Jain ... Petitioner

Ms. Sujata Babar for the Petitioner.

**CORAM : Kamal Khata, J.
DATED : 25th 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 Bhimraj Hiralal Jain ("the deceased").
2. The deceased passed away in Mumbai on 8th April, 2024. A copy of the death certificate is annexed to the Petition at Exhibit 'A'.
3. 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.

4. Learned Advocate Mr. Rane for the Petitioner submits that the averment about the legal heirs and next of of kin of the deceased, in terms of Section **8(a)** of the Hindu Succession Act, is set out in paragraph No.4 of the Petition. He 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 at page No. 32 of the Petition.

5. The other legal heir of the deceased have filed their consent Affidavit at page Nos.36 to 39 of the Petition, wherein they have given their full and free consent for the Legal Heirship Certificate to be granted in favour of the Petitioner.

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

7. Petition is made absolute in terms of prayer clause (a) which reads as follows:

“(a)That Legal Heirship Certificate be issued Certifying that the Petitioner viz. RAMESH BHIMRAJ JAIN, his sisters viz. REKHA MOHANLAL JAIN, Sister-in-law viz. LAXMI JAYANTILAL JAIN, two Nephews viz. JITENDRA JAYANTILAL JAIN, YOGESHKUMAR JAYANTILAL JAIN and Niece viz. RENU MUKESH JAIN are the only Heirs and Legal Representatives of the Deceased under the provision of Bombay Regulation Act VIII of 1827;.”

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

(Kamal Khata, J.)

Note:- This order is modified pursuant to speaking to minute of order dated 21st August 2025, corrections are shown in bold and italics.