

(Corrected as per speaking to minutes of order dated 18.01.2024)

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

MISCELLANEOUS PETITION (LODGING) NO. 36349 OF 2023

Koushik Gilbert Bhattacharjee alias
Koushik Bhattacharjee

...Deceased

Smt. Debalina Koushik Bhattacharjee & Ors.

...Petitioners

* * *

- Mr. Uttam Rane, for Petitioners.

* * *

CORAM : MANISH PITALE, J

DATE : 12th JANUARY, 2024.

P. C. :

1. Heard learned counsel for the petitioner.
2. By this petition filed under the provisions of the Bombay Regulation VIII of 1827, the petitioners are seeking issuance of legal heirship certificate as the only surviving legal heirs of the deceased.
3. The deceased was the husband of petitioner No. 1. He died on 25th June, 2023. Copy of the death certificate is annexed to the petition.
4. It is stated that at the time of his death, the deceased was residing at Flat No. 2601 Cardinal Tower, 26th Floor, Central Avenue, Near Bayer Circle, Hiranandani Estate, Thane (W), Thane, Maharashtra - 400 607.
5. It is specifically stated that this Court has jurisdiction to entertain the present petition, for the reason that one of the

SHRIKANT
SHRINIVAS
MALANI

Digitally signed by
SHRIKANT
SHRINIVAS
MALANI
Date: 2024.01.18
17:17:20 +0530

properties, mentioned in the schedule to the petition, is within the jurisdiction of this Court. It is stated that the deceased died instate without executing any testamentary writing or Will.

6. In paragraph no. 4 of the petition, the details of the surviving legal heirs i.e. the petitioners have been stated.

7. The petitioner No.1 is the widow while the other legal heirs are the minor children of the deceased, as also the mother of the deceased.

8. In view of the material placed on record, the petition is accepted and proclamation is dispensed with.

9. The petition is allowed in terms of prayer clause (a), which reads as follows :

“a. That Heirship Certificate in the form of Appendix of the Bombay Regulation VIII of 1827 be granted to the Petitioners i.e. (1) Smt. Debalina Koushik Bhattacharjee, (2) Ritam Koushik Bhattacharjee, (3) Ramit Koushik Bhattacharjee and (4) Smt. Champa Gilbert Bhattacharjee declaring that legal heirs of the Deceased Late Koushik Gilbert Bhattacharjee alias Koushik Bhattacharjee throughout India and to entitle entire estate of the deceased which is more particularly mentioned in the Schedule – I herein at Exhibit “D” to the present petition in their respective proportion under the

law.”

10. In the facts and circumstances of the present case, particularly requirement of the minors who are petitioners before this Court, issuance of grant is expedited.

(MANISH PITALE, J.)