

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 139 OF 2023**

Harshad Pravin Gohil ... Petitioner

Nanji Vishram Gohil ... Deceased

Mr. Bhaskar H. More for petitioner.

CORAM : MANISH PITALE, J.

DATE : 16th JANUARY, 2024

P.C. :

. Heard learned counsel for the petitioner. This petition is filed under the provisions of Bombay Regulation VIII of 1827 for issuance of legal heirship certificate in favour of the surviving legal heirs of the deceased.

2. The deceased was the uncle of the petitioner, who died on 01.02.2016. Copy of his death certificate is annexed to the petition. It is stated that the deceased, at the time of his death, was residing at A-1/110, Navnirman Society, Tulsiwadi, Tardeo, Mumbai-400034. It is also stated that the deceased died intestate, without leaving behind any testamentary writing or Will. It is further stated that the deceased was unmarried and he was survived by only his mother, brother and nephew (petitioner). It is further stated that the father of the deceased pre-deceased him. The father of the deceased expired on 13.07.2014. Copy of his death certificate is annexed to the petition.

3. It is submitted that the deceased was working as a sweeper with Brihnamumbai Mahanagarpalika and that the petitioner intends to apply for compassionate appointment in his place.

4. Considering the material placed on record, the petition is accepted and proclamation is dispensed with.
5. In the interest of justice, the petition is allowed in terms of prayer clause (a), which reads as follows:

“(a) That the Heirship Certificate kindly be granted to Mr. Harshad Pravin Gohil alongwith the other legal heirs and representatives of the said Deceased under the provisions of Bombay Regulation VIII of 1827.”
6. Department to take appropriate steps expeditiously in the matter.

(MANISH PITALE, J.)

Priya Kambli