

**MISC PETITION IN T and I J NO. 194 OF 2024**

\*\*\*

\*\*\*

**CORAM** : N. J. JAMADAR, J.  
**DATE** : 12<sup>th</sup> AUGUST 2024

1. Heard the learned Counsel for the Petitioner.
2. At the outset, the learned Counsel for the petitioner seeks leave to amend the petition so as to correct the name of the heir mentioned at serial No.2 in the table at paragraph No.4 of the petition.
3. Leave granted to correct the name of the heir at serial No.2 so as to indicate the name of the said heir post marriage.
4. This petition is filed for grant of Heirship Certificate under Section 2 of the Bombay Regulation VIII of 1827.
5. Nanda Manilal Rathod (deceased) was the maternal aunt

of the petitioner. The deceased passed away on 15<sup>th</sup> December 2017. At the time of her death, she had a fixed place of abode at Y.C.S. Vidya Mandir, 18<sup>th</sup> Smita Niwas, Utkarsh Nagar, T. P. Road, Bhandup (W.), Mumbai.

6. In the petition it is averred that, the deceased died intestate and despite diligent search, no testamentary writing or Will has been found. The deceased was a spinster. The deceased left behind a sister Ms.Devi Manilal Rathod and the widow and children of Nagin Rathod, her brother, who predeceased her on 28<sup>th</sup> July 1989. A copy of the death certificate of Nagin Rathod is annexed at Exhibit-A1 to the petition. The petitioner and the heirs mentioned at Serial Nos.1 and 4 in the table at paragraph No.4 of the petition, are the heirs of the deceased Nanda Rathod. The heirship certificate is required for formal recognition of the legal heirs of the deceased and to produce the same before the concerned authorities.

7. I have perused the averments in the petition. The documents annexed to the petition lend support to the claim of the petitioner. The deceased appears to have died intestate She was a spinster. Mrs.Jasheer Kaur nee Ms.Devi M. Rathod, the

sister of the deceased has filed an affidavit giving consent for issue of heirship certificate. The other heirs of Nanda Rathod namely, Rukh Nagin Rathod and Sachin Nagin Rathod have also filed affidavit giving consent for grant of heirship certificate. I do not find any impediment in granting the Heirship Certificate.

8. Hence, the following order:-

**ORDER**

(i) Petition stands allowed in terms of prayer clause (a)

which reads as under:

“a. That this Hon’ble Court be pleased to issue a Legal Heirship Certificate to the Petitioner under the provisions of Bombay Regulation Act, VIII of 1827, certifying that the Petitioner along with the other legal heirs mentioned in paragraph 4 are the only legal heirs and representatives of the Deceased;”.

(ii) Proclamation dispensed with.

(iii) Grant of heirship certificate is expedited.

(N. J. JAMADAR, J.)