

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

MISCELLANEOUS PETITION NO.142 OF 2024

VISHAL
SUBHASH
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Rajani Bhagwan Shinde ... Petitioner
vs.
Bhagwan Bajirao Shinde ... Deceased

Mr. Amol Dhumal, for Petitioner.

CORAM: N.J.JAMADAR, J.
DATE : SEPTEMBER 09, 2024

P.C.

1. Heard the learned Counsel for the Petitioner.
2. At the outset, learned counsel for the petitioner seeks leave to amend.
3. Leave granted.
4. Necessary amendment be carried out within a period of one week.
5. This petition is filed for grant of heirship certificate under Section 2 of the Bombay Regulation VIII of 1827.
6. Bhagwan Bajirao Shinde (Deceased) was the husband of the Petitioner. The deceased passed away on 18th December, 2019. At the time of his death, he had a fixed place of abode at 602/H3, Riddhi Garden, Film City Road, Malad (E), Mumbai.
7. The petitioner avers that the deceased had died intestate, and despite diligent search, no testamentary writing or will has been found.

8. The petitioner and her two sons, the particulars of whom are furnished at serial Nos. 2 and 3 in the table at paragraph No. 6 of the petition, are the only Class I heirs of the deceased. There is no other legal heir. The heirship certificate is required to lay claim over the property of the deceased.

9. I have perused the averments in the petition. The documents annexed to the petition lend support to the claim of the petitioner. The petitioner and Yogesh Shinde and Prashant Shinde, the sons of the deceased, appear to be the only surviving Class I heirs of the deceased. Yogesh Shinde and Prashant Shinde have filed affidavits giving their consent for grant of heirship certificate.

10. I do not find any impediment in granting heirship certificate.

Hence, the following order :

ORDER

- (i) The Petition stands allowed in terms of prayer clause (a).
- (ii) Issue of proclamation is dispensed with.
- (iii) Grant expedited.

(N.J.JAMADAR, J.)