

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

MISC. PETITION NO. 428 OF 2024

Virendra Yashwant Mhatre ...Petitioner

Kalpana Yeshwant Mhatre ...Deceased

Mr. Omkar Khanvilkar, through VC, a/w Ms. Dimple Tarube,
for the Petitioner.

**CORAM: N. J. JAMADAR, J.
DATED: 11th OCTOBER, 2024**

PC:-

1. Heard the learned Counsel for the petitioner.
2. This petition is filed for grant of heirship certificate under Section 2 of the Bombay Regulation VIII of 1827.
3. Kalpana Yeshwant Mhatre (the deceased) was the mother of the petitioner. The deceased passed away on 15th September, 2019. At the time of her death, the deceased had a fixed place of abode at D/1, Bima Nagar Co-op. Hsg. Soc, M. V. Road, Near Vishal Hall, Andheri (East), Mumbai – 400 069.
4. 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 left behind the

petitioner, Rajendra Yeshwant Mhatre and Devendra Yeshwant Mhatre, two sons and Shailaja Kishore Shikhare, a daughter, the particulars of whom are furnished at Sr. Nos.2 to 4 in the table at paragraph 5 of the petition. The husband of the deceased predeceased her on 20th May, 1992. Copy of death certificate of the husband of the deceased is annexed at Exhibit-A1. The heirship certificate is required to lay claim over the property left behind by the deceased.

5. The averments in the petition find support in the documents annexed to the petition. The deceased appears to have died intestate. Yeshwant Mhatre, the husband of the deceased, seems to have predeceased the deceased. The petitioner and his two brothers and a sister, the particulars of whom are furnished in the table at paragraph 5 of the petition, appear to be the surviving legal heirs of the deceased. I do not find any impediment in granting the heirship certificate.

6. The petition stands allowed in terms of prayer clause (a).

7. Issue of proclamation is dispensed with.

8. The grant of heirship certificate is expedited.

[N. J. JAMADAR, J.]