

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

MISC. PETITION NO. 3 OF 2024

Bipin Mohanlal Shah ...Petitioner

Shantaben Mohanlal Shah ...Deceased

Mr. Suyash Kalbhor, a/w Siddharth Desai, i/b Anita
Manjalkar, for the Petitioner.

CORAM: N. J. JAMADAR, J.

DATED: 12th SEPTEMBER, 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. Shantaben Mohanlal Shah (the deceased) was the mother of the petitioner. The deceased passed away on 12th September, 1989. At the time of her death, the deceased had a fixed place of abode at Mulund, Mumbai,
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 had left behind the petitioner as her sole heir. Mohanlal Nagji Shah, the husband of the deceased, predeceased her, on 15th February, 1981.

There is no other legal heir of the deceased. The heirship certificate is required for a formal recognition as a legal heir of the deceased.

5. I have perused the averments in the petition. The documents annexed to the petition lend support to the claim of the petitioner. The petitioner seems to be the sole heir of the deceased. Mohanlal Nagji Shah, the husband of the deceased predeceased her. Copy of death certificate of Mohanlal Shah is annexed to the petition. The petitioner has also produced his School Leaving Certificate. I do not find any impediment in granting the heirship certificate.

6. Petition stands allowed in terms of prayer clause (a), which reads as under:

“That a Legal Heirship Certificate Certifying that the Petitioner along with the Heirs mentioned in para no.4 are the only heirs and legal representative of the said deceased i.e. Shantaben Mohanlal Shah under the Provision of Bombay Regulation Act VIII of 1827.”

7. Issue of proclamation is dispensed with.

8. The grant of heirship certificate is expedited.

[N. J. JAMADAR, J.]