

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

MISC. PETITION NO. 76 OF 2024

SANTOSH
SUBHASH
KULKARNI

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Pandurang Bhikaji Kolgaonkar ...Deceased

Manjiri Sanjeev Kodnani ...Petitioner

Mr. Swapnil Narkar, i/b MS Legal, for the Petitioner.

CORAM: N. J. JAMADAR, J.

DATED: 24th JULY, 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. Pandurang Bhikaji Kolgaonkar (the deceased) was the father of the petitioner. The deceased passed away on 19th January, 2020 at Mumbai. At the time of his death, the deceased had a fixed place of abode at Flat No.152, Building No. 8A Seva Samiti CHS. Ltd, S. S. Nagar, Sion Koliwada, Mumbai – 400037.
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 and her brother Mandar Pandurang Kolgaonkar, the particulars of whom are furnished in the table at paragraph 4 of the petition. Maya, the wife of the deceased, predeceased him on 25th November, 2012. Copy of the death certificate of Maya is annexed at Exhibit-B.

5. The averments in the petition find support in the documents annexed to the petition. The petitioner and her brother Mandar appear to be the only surviving Class-I heirs of the deceased. Mandar, the brother of the petitioner, has filed an affidavit giving consent to the grant of heirship certificate. The heirship certificate is required to lay claim over the properties described in the Schedule of Assets (Exhibit-F).

6. I do not find any impediment in granting the heirship certificate.

7. The petition stands allowed in terms of prayer clause (a), which reads as under:

(a) This Hon'ble Court be pleased to issue a Legal. Heirship Certificate to the petitioner under the provision of Bombay Regulation VIII of 1827 certifying that (1) Manjiri Sanjeev Kodnani (Married Daughter) and (2) Mandar Pandurang Kolgaonkar (Son) are the only legal heirs of the deceased i.e. Pandurang Bhikaji Kolgaonkar.

8. Issue of proclamation is dispensed with.

9. The grant of heirship certificate is expedited.

[N. J. JAMADAR, J.]