



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC. PETITION NO.80 OF 2024**

Deepak Ambalal Solanki ... Petitioner

Jasiben Ambalal Solanki ... Deceased

Mr. R.J.Mane, for Petitioner.

CORAM: N.J.JAMADAR, J.

DATE : 18 JUNE 2024

P.C.

1. Heard the learned Counsel for the Petitioner.
2. The Petition is filed for grant of heirship certificate under Section 2 of the Bombay Regulation Act, VIII of 1827.
3. Jasiben (deceased) was the mother of the Petitioner. The deceased passed away on 3 November 2019. At the time of her death, the deceased had a fixed place of abode at Bhimnagar Rahivasi Sangh, Jerbai Wadia Road, T.S.Compound, Parel, Bhoiwada, Mumbai – 400 012. The deceased was working as a Sweeper with the Brihanmumbai Municipal Corporation.
4. In the Petition, it is averred that the husband of the deceased, namely, Ambalal predeceased her. Copy of the death certificate of Ambalal is annexed to the Petition at Exhibit D. The Petitioner avers that apart from the Petitioner, his brothers Hasmukh and Vijay are the only legal heirs of the deceased. They have given consent

affidavits for grant of heirship certificate.

5. I have perused the averments in the Petition and the documents annexed with it, including the affidavits of Hasmukh and Vijay. It appears that the deceased died intestate, leaving behind the Petitioner, and the heirs shown in paragraph No.4 of the Petitioner are the only Class I legal heirs. The heirship certificate is required to substantiate the claim for appointment on compassionate basis. There does not appear to be any impediment in granting heirship certificate.

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

“(a) That a Legal Heirship Certificate be issued under the provision. of the Bombay Regulation: Act VIII of 1827 Certifying that Deepak Ambalal Solanki alongwith Hasmukh Ambalal Solanki and Vijay Ambalal Solanki, are the only heirs and Legal representative of the deceased;

7. Proclamation is dispensed with.

8. Grant is expedited.

(N.J.JAMADAR, J.)