



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC. PETITION NO.139 OF 2024**

Sagar Harilal Gupta ... Petitioner

Harilal Kalva Gupta @ Harilal
Kalwa Gupta ... Deceased

Mr. Kalpesh Turalkar for Petitioner

CORAM: N.J.JAMADAR, J.

DATE : 8 AUGUST 2024

P.C.

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. Harilal Kalva Gupta @ Harilal Kalwa Gupta (deceased) was the father of the Petitioner. The deceased passed away on 7 September 2018. The deceased had a fixed place of abode at Room No.4/153, Shivkmpa Building, Ganesh Chowk, J.P. Road, D.N. Nagar, Andheri (West), Mumbai – 400 053. It is averred in the Petition that the deceased died intestate and despite diligent search, no testamentary writing or Will has been found. The deceased left behind Kusum, widow of the deceased, Ayesha and the Petitioner, particulars of

whom are furnished in the table at paragraph No.4 of the Petition. Another daughter, Seema, predeceased the deceased. She was a spinster. A copy of the death certificate of Seema is annexed at Exhibit B to the Petition. The heirship certificate is required for formal recognition of the legal heirs in the proceedings before the Mumbai Slum Improvements Board, where the deceased was working and other authorities.

4. I have perused the averments in the Petition. It appears that the deceased died intestate leaving behind Kusum, Ayesha and the Petitioner as the surviving Class I legal heirs. Seema, one of the daughters of the deceased has predeceased him. The abovenamed mother and sister of the Petitioner have filed affidavits giving consent for grant of heirship certificate. Thus, I do not find any impediment in granting heirship certificate.

5. Hence, the following order :

ORDER

(i) The Petition stands allowed in terms of prayer clause

(b), which reads as under :

“(b) This Hon’ble Court be pleased to issue a Legal Heirship Certificate under the provision of Bombay Regulation VIII of 1827 certifying that (1)

Kusum Harilal Gupta, (widow), (2) Ayesha Intajar nee Ayesha Harilal Gupta, (married daughter) and (3) Sagar Harilal Gupta, (son and Petitioner abovenamed) are the only legal heirs and legal representatives of the deceased.

- (ii) Issue of proclamation is dispensed with.
- (iii) Grant be expedited.

(N.J.JAMADAR, J.)