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

MISCELLANEOUS PETITION NO. 160 OF 2024

Avinash Jagannath Naik ... Petitioner
vs.
Jagannath Krishnaji Naik ... Deceased

Ms. Mooman i/b. Mr. V.B. Ghorpade, for Petitioner.

CORAM: N.J.JAMADAR, J.
DATE : AUGUST 13, 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. Jagannath Krishnaji Naik (Deceased) was the father of the Petitioner. He passed away on 8th August, 2002. At the time of his death, he had a fixed place of abode at Room No. 614, Building No. 11, The Pranjal CHS Ltd., Sardar Nagar-1, Sion-Koliwada, Mumbai 22.
4. In the Petition, it is averred that the deceased died intestate, and despite diligent search, no testamentary writing or Will has not been found. The deceased left behind Asha Naik, widow, and two sons and a daughter, the particulars of whom are mentioned in paragraph No. 4 of the Petition.
5. Asha Naik passed away on 13th February, 2009. A copy of the

death certificate of Asha Naik is annexed at Exhibit -B. Apart from the petitioner, there is no other legal heir.

6. The heirship certificate is required to lay claim over the properties left behind by the deceased.

7. Perused the averments in the petition.

8. The averments in the petition are supported by the documents. It appears that Asha Naik, the wife of the deceased, passed away on 13th February, 2009. The petitioner, his brother Rajendra Naik and sister Varsha Naik appear to be the only surviving Class I legal heirs of the deceased. Rajendra Naik and Varsha Naik have filed affidavits giving consent for grant of heirship certificate.

9. Thus, I do not find any impediment in granting heirship certificate.

Hence, the following order :

ORDER

- (i) The Petition stands allowed in terms of prayer clause (a).
- (ii) Issue of proclamation is dispensed with.
- (iii) Grant expedited.

(N.J.JAMADAR, J.)