



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC. PETITION NO.207 OF 2024**

Lekha Nitin Motani and Ors. ... Petitioners

Suryakant Hargovindas Shah ... Deceased

Ms. Rachana Kapasi, for Petitioners.

CORAM: N.J.JAMADAR, J.

DATE : 23 AUGUST 2024

P.C.

1. Heard the learned Counsel for the Petitioners.
2. This petition is filed for grant of heirship certificate under Section 2 of the Bombay Regulation VIII of 1827.
3. Suryakant Hargovindas Shah (deceased) was the father of the Petitioners. The deceased passed away on 11 July 2009 at Mumbai. AT the time of his death, he had a fixed place of abode at 32, Amoolya, 195, Walkeshwar Road, Teen Batti, Mumbai – 400 006.
4. The Petitioners aver that the deceased died intestate and despite diligent search, no testamentary writing or Will has been found. Kailashmati Shah, wife of the deceased, passed away on 23 June 2016. A copy of the death certificate of Kailashmati Shah is at Exhibit C to the Petition. Apart from the Petitioners, there is no other legal heir. Heirship certificate is required for formal recognition as the legal heirs

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 Petitioners. It appears that the deceased left behind Kailashmati Shah and the Petitioners. Kailashmati Shah passed away on 23 June 2016. The Petitioners appear to be the only surviving Class I heirs of the deceased. Heirship certificate is required for formal recognition as the legal heirs of the deceased. I, therefore, do not find any impediment in granting heirship certificate.

6. Hence, the following order :

ORDER

(i) The Petition stands allowed in terms of prayer clause (b), which reads as under :

“(b) That this Hon'ble Court be pleased to issue a Certificate of Heirship to the Petitioners under the provisions of Bombay Regulation VIII of 1827 recognising, declaring and certifying that the Petitioners are the only legal heirs and representatives of the said Deceased;

(ii) Issue of proclamation is dispensed with.

(iii) Grant be expedited.

(N.J.JAMADAR, J.)