



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC. PETITION NO.263 OF 2024**

Vijay Jayarama Shetty ... Petitioner

Vinoda Jayarama Shetty @ Vinodi
Jayram Shetty ... Deceased

Mr. R.K.Shetty, for Petitioner.

CORAM: N.J.JAMADAR, J.

DATE : 23 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. Vinoda Jayarama Shetty (deceased) was the mother of the Petitioner. The deceased passed away on 25 August 2017. At the time of the death of the deceased, she had a fixed place of abode at 8/9, Mayur Darshan Building, Mahakali Caves, Andheri East, Mumbai- 400093.
4. The Petitioners aver that the deceased died intestate and despite diligent search, no testamentary writing or Will has been found. Jayarama, the husband of the deceased, passed away on 2 October 2017. Copy of the death certificate of Jayarama is annexed at Exhibit B to the Petition. The Petitioner, Veena and Vivek particulars of whom are furnished at Sr. Nos.2 and 3 in the table at paragraph No.4 of the

Petition, are the only surviving Class I heirs of the deceased. Heirship certificate is required for transfer of FL III licence standing in the name 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 Petitioner. Jayarama, the husband of the deceased, seems to have passed away on 2 October 2017. The Petitioner, his sister Veena, and brother Vivek, appear to be the only surviving Class I 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 a Legal Heirship Certificate be issued under the provision of Bombay Regulation Act VIII of 1827, certifying that Certifying that (1) Vijay Jayarama Shetty, son and Petitioner abovenamed (2) Veena Taranath Shetty" married daughter of the deceased and (3) Vivek Jayarama Shetty, son of the deceased are the only legal heirs and legal representatives of Deceased abovenamed;

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

(N.J.JAMADAR, J.)