

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

MISC. PETITION NO. 291 OF 2024

Zinal Harshad Gada ...Petitioner

Harshad Manilal Gada ...Deceased

Mr. M. S. Lad, for the Petitioner.

**CORAM: N. J. JAMADAR, J.
DATED: 22nd AUGUST, 2024**

PC:-

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. Harshad Manilal Gada (the deceased) was the husband of the petitioner. The deceased passed away on 18th April, 2021. At the time of his death, the deceased had a fixed place of abode at Flat No. 701, 7th Floor, Sai Sadan, Edlaji Cross Road, Charai, Thane- 400601.
4. In the petition, it is averred that the deceased died intestate and despite diligent search no testamentary writing or Will has been found. The deceased left behind the petitioner and her two minor sons Rudra Harshad Gada and Ruksang Harshad Gada, and mother, Rekha Manilal Gada, as the only surviving

Class-I legal heirs. Manilal Gada, the father of the deceased predeceased the deceased. The heirship certificate is required to lay claim over the property mentioned in the paragraph 7 of the petition.

5. I have perused the averments in the petition. The documents annexed to the petition lend support to the claim of the petitioner. It appears that the petitioner, her two minor sons and Rekha Gada, the mother of the deceased, are the only surviving Class-I legal heirs of the deceased. Rekha Gada, the mother of the deceased, has filed an affidavit giving her consent for the grant of heirship certificate. The petitioner has also filed an affidavit in the capacity of the natural guardian of her minor sons. Thus, I do not find any impediment in granting the heirship certificate.

6. The petition stands allowed in terms of prayer clause (A), which reads as under:

“(A) This Hon’ble Court be pleased to issue a Legal Heir ship Certificate to the petitioner under the provision of Bombay Regulation VIII of 1827 certifying that the Petitioner along with the heirs mentioned above in Para 4 are the only heirs and legal representatives of the said deceased.”

7. Issue of proclamation is dispensed with.

8. The grant of heirship certificate is expedited.

[N. J. JAMADAR, J.]