



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC. PETITION NO.299 OF 2024**

Subramaniam Trichur Krishnan ... Petitioner

Chelakkara Krishnan Seethalakshmi ... Deceased

Mr. Kuldeep R. Singh, for Petitioner.

CORAM: N.J.JAMADAR, J.

DATE : 28 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. Chelakkara Krishnan Seethalakshmi (deceased) was the mother of the Petitioner. The deceased passed away on 21 February 2003. At the time of her death, the deceased had a fixed place of abode at 6/11, Borla Co-op. Hsg. Soc. Ltd. Dr. C. G. Road, Chembur, Mumbai- 400074,
4. The Petitioner avers that the deceased died intestate and despite diligent search, no testamentary writing or Will has been found. The deceased left behind the Petitioner, Geetha Ramakrishnan, a daughter, Smt. Rajam Krishnan and Ms. Preeti Krishnan, widow and daughter, respectively, of deceased son Thirur Krishnan Krishnan, Latha, another daughter who died on 17 February 2022, and Sneha, the daughter of

Latha and grand daughter of the deceased.

5. K.S.Krishnan, husband of the deceased passed away on 29 December 2006. A copy of the death certificate of K.S.Krishnan is annexed at Exhibit B to the Petition. Latha, a daughter of the deceased passed away on 17 February 2022. A copy of the death certificate of Latha is annexed at Exhibit B-1.

6. Thirur Krishnan Krishnan, son of the deceased passed away on 8 February 2024. A copy of the death certificate is annexed to the application for bringing the legal heirs of Thirur Krishnan Krishnan on record. The heirs mentioned at Sr. Nos.3a and 3b are the widow and daughter, respectively, of Thirur Krishnan Krishnan, the deceased son of the deceased.

7. I have perused the averments in the Petition and the documents annexed with it. The documents lend support to the claim of the Petitioner. Heirship certificate is required to lay claim over the properties left behind by the deceased. The other heirs of the deceased mentioned at Sr. No.1, 3a, 3b and 4A have filed affidavits giving their consent for the grant of heirship certificate.

8. I, therefore, do not find any impediment in granting heirship certificate.

9. Hence, the following order :

ORDER

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

(b), which reads as under :

“(b) That the Legal Heirship Certificate may be granted to the Petitioner and other legal heirs and they be declared as legal heir and legal representative of the deceased, under the provision of Bombay Regulation Act VIII of 1827.

(ii) Issue of proclamation is dispensed with.

(iii) Grant expedited.

(N.J.JAMADAR, J.)