

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

MISC PETITION NO. 300 OF 2024

Kewal Parimal Popat ...Petitioner
Versus
Parimal Kesavlal Popat ...Respondent

Mr. Ankit Rajput i/by Mr. Rutvij Bhatt Advocate for Petitioner.

CORAM : N. J. JAMADAR, J.
DATE : 14th AUGUST 2024

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PC.:

1. Heard the learned Counsel for the Petitioner.
2. Leave to amend so as to amend the prayer clause.
3. Necessary amendment be carried out within a period of one week. Re-verification dispensed with.
4. This petition is preferred for grant of Heirship Certificate under Section 2 of the Bombay Regulation VIII of 1827.
5. Parimal Kesavlal Popat (the deceased) was the father of the petitioner. The deceased passed away on 5th January 2021. At the time of his death, he had a fixed place of abode at Flat No. 1401/1402, Purbani Height CHSL, Swastik Park, S.T. Road, Chembur, Mumbai.

6. The petitioner avers that the deceased died intestate and despite diligent search, no testamentary writing or Will has been found. The deceased left behind his wife, a son-petitioner and a married daughter, particulars of whom are furnished at serial Nos.1 to 3 in the table at paragraph No.4 of the petition. Apart from the heirs mentioned therein, there is no other legal heir of the deceased. The heirship certificate is required for formal recognition as the legal heir of the deceased.

7. I have perused the averments in the petition. It appears that the petitioner, his mother and sister, are the only surviving class-I heirs of the deceased. Shreedevi Parimal Popat, the mother of the petitioner, and Isha Kunal Somaiya, the sister of the petitioner, have filed affidavits giving consent for grant of heirship certificate. Thus, I do not find any impediment in granting the heirship certificate. Hence, the following Order:

ORDER

- (i) Petition stands allowed in terms of prayer clause (a).
- (ii) The heirship certificate be granted declaring the heirs mentioned at serial Nos. 1 to 3 in the table at paragraph No.4 of the petition, as the legal heirs and

representatives of the deceased.

(iii) Proclamation dispensed with.

(iv) Grant of heirship certificate is expedited.

(N. J. JAMADAR, J.)