



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC. PETITION NO.457 OF 2024**

Reshma Prashant Nair
through C.A. Ramsujan L. Karkera ... Petitioner

Prashant Nair @ Prashant Venugopal Nair ... Deceased

Mrs. Anjali N. Helekar, for Petitioner.

**CORAM: N.J.JAMADAR, J.
DATE : 9 OCTOBER 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. Prashant Nair (Deceased) was the husband of the Petitioner. The deceased passed away on 24 May 2021. At the time of his death, the deceased had a fixed place of abode at A-101, Dheeraj Savera, Opposite Siddharth Nagar, Near Khatau Compound, Borivali East, Mumbai- 400066.
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 and Rishikesh, minor son. Venugopal and Gouri, the parents of the deceased predeceased the deceased. Copies of the death certificates of the parents of the deceased are annexed at Exhibits C and D to the Petition. There is no other legal heir. Heirship certificate is

required to lay claim over the properties described in the Schedule of Properties (Exhibit G) to 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. The Petitioner and Rishikesh, minor son, appear to be the surviving Class I heirs of the deceased. The Petitioner has filed an affidavit giving consent for the grant of heirship certificate in the capacity of the natural guardian of Rishikesh, minor son. 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 (a), which reads as under :

“(a) That a Legal Heirship Certificate be issued under the provision of Bombay Regulation Act VIII of 1827, certifying that (1) Mrs. Reshma Prashant Nair (widow of the Deceased abovenamed) , (2) Master Rishikesh Nair alias Rishikesh Prashant Nair (son of the Deceased abovenamed), as are the only heirs and legal representatives of the deceased abovenamed, more particularly set out in Schedule 1 annexed hereto.”

(ii) Issue of proclamation is dispensed with.

(iii) Grant expedited.

