

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

MISCELLANEOUS PETITION NO.504 OF 2024

Usha Phula Ram @ Usha Phularam ... Petitioner
And
Talasa Ram Ghanchi @ Talasa Ram Kesaji Ghanchi
@ Tulasiram Ghanchi @ Tulsiram Ghanchi
@ Tulsirara Parmar @ Tulsi Ram Parmar ... Deceased

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Mr. Ajinkya Thakur, for Petitioner.

CORAM: N.J.JAMADAR, J.
DATE : NOVEMBER 28, 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. Talasa Ram Ghanchi @ Talasa Ram Kesaji Ghanchi @ Tulasiram Ghanchi @ Tulsiram Ghanchi @ Tulsirara Parmar @ Tulsi Ram Parmar (Deceased) was the father of the Petitioner. He passed away on 15th March, 2021. At the time of his death, he had a fixed place of abode at Bheru Chowk, Chaudhary Colony, Sumerpur, Tal. Sumerpur, Dist. Pali, Rajasthan.
4. The petitioner avers that the deceased died intestate, and despite diligent search, no testamentary writing or Will has been found.

5. The deceased left behind the petitioner as the sole surviving Class I legal heir. Shanti Tulasa Ram, the wife of the deceased, predeceased the deceased on 10th August, 2010. Copy of the death certificate is annexed at Exhibit B.

6. The documents annexed to the petition lend support to the claim of the petitioner. The petitioner seems to be the sole surviving Class I legal heir of the deceased. There is no other legal heir.

7. The heirship certificate is required to seek alternate accommodation in lieu of the premises which has been demolished by the Municipal Corporation for road widening. Thus, I do not find any impediment in granting heirship certificate.

Hence, the following order :

ORDER

- (i) Petition stands allowed in terms of amended prayer clause (a).
- (ii) Issue of proclamation is dispensed with.
- (iii) Grant expedited.

(N.J.JAMADAR, J.)