

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC. PETITION NO.197 OF 2024**

Subodh Tukaram Sonar ... Petitioner

Prabhavati Tukaram Sonar ... Deceased

Mr. Sandesh Kamble, for Petitioner.

CORAM: N.J.JAMADAR, J.

DATE : 25 JUNE 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. Prabhavati (Deceased) was the mother of the Petitioner. She passed away on 10 October 2017. At the time of her death, she had a fixed place of abode at Dahisar (W), Mumbai. In the Petition, it is averred that the deceased had died intestate, and despite diligent search, testamentary writing or Will has not been found. The deceased left behind the Petitioner and his brother Umesh Tukaram Sonar, whose particulars are mentioned in paragraph No.4 of the Petition. The husband of the deceased predeceased her on 8 January 2008 and a copy of the death certificate of the husband of the deceased is annexed at Exhibit B.
4. It appears that the petitioner and his brother Umesh are the only

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surviving Class I legal heirs of the deceased. Umesh has filed an affidavit giving consent for grant of heirship certificate. The heirship certificate is required to transfer the immovable property mentioned in Schedule I to the Petition. The averments in the petition are supported by the documents. I do not find any impediment in granting heirship certificate.

5. Hence, the following order :

ORDER

(i) The Petition stands allowed in terms of prayer clause (a), which reads as under :

“(a) That the legal Heirship Certificate thereby certifying the Petitioner Subodh Tukaram Sonar and Umesh Tukaram Sonar be recognized legal heir and representatives of the deceased be granted to the Petitioner.”

(ii) Issue of proclamation is dispensed with.

(iii) Grant be expedited.

(N.J.JAMADAR, J.)