

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

VISHAL
SUBHASH
PAREKAR

MISCELLANEOUS PETITION NO.199 OF 2024

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Kanchan Sadashiv Kambli ... Petitioner

VS.

Sadashiv Bhaskar Kambli ... Deceased

Ms. Seema Hunnurkar i/b.Seema Hunnurkar & Associates, for
Petitioner.

CORAM: N.J.JAMADAR, J.

DATE : JULY 15, 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. Sadashiv Bhaskar Kamblil (Deceased) was the husband of the Petitioner. He passed away on 17th February, 2023. At the time of his death, he had a fixed place of abode at Flat No. 101, B-Wing, Siddhivinayak CHS, Sec-23, Darave Oaon, Nerul, Navi Mumbai.
4. In the Petition, it is averred that the deceased had died intestate, and despite diligent search, no testamentary writing or Will has been found. The deceased left behind Heramb Sadashiv Kambli, the son of the deceased and the petitioner, particulars of whom are mentioned in the table at paragraph No.4 of the Petition.

5. It appears that the petitioner and her son Heramb Kambli are the only surviving Class I legal heirs of the deceased. Heramb has filed an affidavit giving consent to grant the heirship certificate. The heirship certificate is required to lay claim over the properties standing in the name of the deceased. It does not appear that there is any other legal heir of the deceased. Thus, I do not find any impediment in granting the heirship certificate.

Hence, the following order :

ORDER

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

“(a) This Hon’ble Court be pleased to issue a Legal Heirship Certificate to the Petitioner under the provisions of Bombay Regulation VIII of 1827 certifying that the petitioner, along with the para no. 4 herein above are the only heirs and legal representatives of the deceased.”

(ii) Issue of proclamation is dispensed with.

(iii) Grant be expedited.

(N.J.JAMADAR, J.)