



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC. PETITION NO.200 OF 2024**

Dilip Dhondiba Gade ... Petitioner

Balu Dhondiba Gade @ Balkrushna
Dhondiba Gade ... Deceased

Mr. Siddharth Ingle with Mr. Akshay Gawali, for Petitioner.

**CORAM: N.J.JAMADAR, J.
DATE : 18 NOVEMBER 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. Balu Dhondiba Gade (deceased) was the brother of the Petitioner. The deceased passed away on 24 June 2010 at Mumbai. At the time of his death, the deceased had a fixed place of abode at At- Post Bhabawadi, Taluka-Bhor, Dist. Pune- 412 206. However, the deceased had left behind property in Mumbai.
4. The Petitioner avers that the deceased died intestate and despite diligent search, no testamentary writing or Will has been found. The deceased was a bachelor. The parents of the deceased have passed away. Copies of the death certificates of the father and mother of the deceased are annexed at Exhibits B and C to the Petition, respectively. Except the Petitioner, there is no

other legal heir. Heirship certificate is required to lay claim over the property described in the Schedule of Property (Exhibit F).

5. By an order dated 30 July 2024, a proclamation was directed to be issued and an affidavit of publication of the proclamation in the newspapers, 'Indian Express' and 'Sakal', has been filed.

6. None has raised any objection to the grant of heirship certificate.

7. It appears that the Petitioner is the sole surviving legal heir of the deceased, who passed away as a bachelor. The mother of the deceased, who was the Class I heir, has also passed away. I do not find any impediment in granting heirship certificate to the Petitioner.

8. 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 Dilip Dhondiba Gade (Brother of the Deceased and the Petitioner herein), is the only heir and Legal representative of the deceased.

(ii) Grant expedited.

(N.J.JAMADAR, J.)