



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC. PETITION NO. 201 OF 2024**

Dilip Ganpat Gaokar and Ors. ... Petitioners

Shakuntala Ganpati Gaonkar ... Deceased

Mr. Shyam Sunder Solanke, for Petitioners.

CORAM: N.J.JAMADAR, J.

DATE : 16 JULY 2024

P.C.

1. Heard the learned Counsel for the Petitioners.

2. This petition is filed for grant of heirship certificate under Section 2 of the Bombay Regulation VIII of 1827.

3. Shankuntala Ganpati Gaonkar (deceased) was the sister of the Petitioner No.1. The deceased passed away on 28 August 2019. At the time of her death, the deceased had a fixed place of abode at Mumbai. The deceased was a spinster. In the affidavit, it is averred that the deceased died intestate, and despite diligent search, no testamentary writing or Will has been found. The deceased had left behind the properties in Mumbai, described in the Schedule (Exhibit C). The parents of the deceased, Ganpati and Sushila have predeceased her. The deceased had left behind the heirs mentioned in the table at paragraph No.5 of the Petition. Apart from the heirs mentioned in the said table, there is no other legal heir of the deceased.

4. The averments in the Petition find support in the documents annexed to the Petition. It appears that the parents of the deceased have predeceased her. The deceased was a spinster. The Petitioner No.1 is the brother of the deceased. Another brother Dinesh had passed away on 1 November 2021. The heirs mentioned at Sr. Nos.2 and 3 in the table at paragraph No.5 of the Petition, are the children of Dinesh Gaonkar. The heirship certificate is required to lay claim over the properties left behind by the deceased; described in the Schedule (Exhibit C). I, therefore, 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) This Hon'ble Court may be pleased to grant Legal Heirship Certificate thereby certifying that the Petitioners viz. Dilip Ganpat Gaonkar, Sunil Dinesh Gaonkar and Snehal Dinesh Gaonkar are recognized as the legal heirs and representatives of Shakuntala Ganpati Gaonkar, the Deceased above named be granted; ”

(ii) Issue of proclamation is dispensed with.

(iii) Grant be expedited.

(N.J.JAMADAR, J.)