

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

MISC. PETITION NO. 208 OF 2024

Dipali Pushkar Koli ...Petitioner

Chankrakant Pandharinath Koli ...Deceased

Mr. Prabhu Velar, i/b Ashok Janwalkar, for the Petitioner.

CORAM: N. J. JAMADAR, J.

DATED: 25th JULY, 2024

PC:-

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. Chankrakant Pandharinath Koli (the deceased) was the father-in-law of the petitioner. The deceased passed away on 17th January, 2024. At the time of his death, the deceased had a fixed place of abode at D-6, The Adi Janata CHS., Road No.1, Opp. Shangrila Hotel, Sion, Mumbai- 400022.
4. In the petition, it is averred that the deceased died intestate and despite diligent search no testamentary writing or Will has been found. The petitioner avers, the deceased left behind a widow, and the wife and son of Pushkar, the predeceased son.

5. Copy of the death certificate of Pushkar is annexed at Exhibit-C to the petition. Makarand, another son of the deceased also predeceased the deceased on 8th August, 2006. Copy of death certificate of Makarand is annexed at Exhibit-B to the petition.

6. Malhar Pushkar Koli is the minor son of the petitioner. The petitioner, Malhar and Vatsala Chandrakant Koli, appear to be the only surviving Class-I legal heirs of the deceased. The heirship certificate is required to lay claim over the licence to run a liquor shop, which stood in the name of the deceased.

7. I have perused averments in the petition. The documents annexed to the petition lend support to the averments in the petition. It appears that Pushkar, the son of the deceased, predeceased him. Vatsala, the widow of the deceased, has filed an affidavit giving consent to grant of heirship certificate. The petitioner has filed consent affidavit on behalf of Malhar Pushkar Koli, In view of the above, I do not find any impediment in granting the heirship certificate.

8. 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 (1) Dipali Pushkar Koli, daughter in law of deceased and Petitioner abovenamed, (2) Malhar Pushkar Koli, grandson of the deceased and (3) Vatsala Chandrakant Koli, widow of the deceased, are the only legal heirs and representative of Deceased abovenamed.”

9. Issue of proclamation is dispensed with.
10. The grant of heirship certificate is expedited.

[N. J. JAMADAR, J.]