

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

MISCELLANEOUS PETITION NO.210 OF 2024

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Mallika Sadananda Sapaliga ... Petitioner
vs.
Sadananda Koraga Sapaliga ... Deceased

Mr. Prabhu Velkar, for Petitioner.

CORAM: N.J.JAMADAR, J.
DATE : JULY 29, 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. Sadananda Koraga Sapaliga (Deceased) was the husband of the Petitioner. He passed away on 22nd October, 2022. At the time of his death, he had a fixed place of abode at 603, New Lokhandwala C.H.S Ltd., Padmavati Springs, Opp. C.S.T Road, Kalina, Santacruz(E), Mumbai - 400098.
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 the petitioner and Suraj Sadananda Sapaliga, a son and Chetana Sadananda Sapaliga, a daughter, whose

particulars are mentioned in paragraph No.4 of the Petition. The parents of the deceased have predeceased him. The heirship certificate is required to lay claim over the assets described in the Schedule of Assets (Exhibit C).

5. I have perused the averments in the petition. The averments in the petition are supported by documents. It appears that the petitioner and the heirs mentioned at serial Nos. 2 and 3 of the table at paragraph 4 of the petition are only surviving class I legal heirs of the deceased. Suraj Sadananda Sapaliga and Chetana Sadananda Sapaliga, the son and daughter, respectively, of the deceased have filed affidavits giving consent to the grant of heirship certificate. I do not find any impediment in granting 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 provision of Bombay Regulation VIII of 1827 certifying that follows persons i.e. (1) Mallika Sadananda Sapaliga (wife) (2) Suraj Sadananda Sapaliga (Son) (3) Chetana Sadananda Sapaliga

(Daughter) are the only surviving legal heirs of the deceased.

- (ii) Issue of proclamation is dispensed with.
- (iii) Grant expedited.

(N.J.JAMADAR, J.)