



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC. PETITION NO.235 OF 2024**

Vandana Dharmesh Joshi @

Vandana Chimanlal Joshi

... Petitioner

Manjula Chimanlal Joshi

... Deceased

Mr. Sumeet Tirthani with Ms. Darshana Vora i/by KVT Legal, for
Petitioner.

CORAM: N.J.JAMADAR, J.

DATE : 23 AUGUST 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. Manjula Chimanlal Joshi (deceased) was the mother of the Petitioner. The deceased passed away on 16 January 2023. At the time of her death, the deceased had a fixed place of abode at B/1702, Ashford Royale, S.Samual Marg, Nahur (W), Mumbai - 400 078.
4. The Petitioner avers that the deceased died intestate and despite diligent search, no testamentary writing or Will has been found. Chimanlal Kantilal Joshi, husband of the Petitioner, predeceased her on 11 November 2015. A copy of the death certificate of Chimanlal Kantilal Joshi is annexed at Exhibit C to the Petition. The Petitioner claims to be the sole surviving legal heir of the deceased. Heirship certificate is

required to lay claim over the property described in the Schedule of assets (Exhibit E).

5. I have perused the averments in the Petition. The documents annexed to the Petition lend support to the claim of the Petitioner. Chimanlal Kantilal Joshi, husband of the deceased, seems to have predeceased her. The Petitioner appears to be the sole surviving Class I heir of the deceased. Heirship certificate is required to lay claim over the property and credits of the deceased. I, therefore, do not find any impediment in granting heirship certificate.

6. 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, is the only heirs and legal representatives of the deceased;

(ii) Issue of proclamation is dispensed with.

(iii) Grant be expedited.

(N.J.JAMADAR, J.)