

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

MISC PETITION NO. 237 OF 2024

Uttam Lakhamshi Munver	...Petitioner
Versus	
Mena Manikant Lapasia	...Deceased

Mr.Sumeet Tirthani i/by Seema Hunnurkar and Associates for
Petitioner.

CORAM	:	N. J. JAMADAR, J.
DATE	:	29 th AUGUST 2024

PC.:

1. Heard the learned Counsel for the Petitioner.
2. This is a petition for grant of Heirship Certificate under Section 2 of the Bombay Regulation VIII of 1827.
3. Mena Manikant Lapasia (the deceased), was the sister of the petitioner. The deceased passed away on 9th December 2021. At the time of her death, she had a fixed place of abode at A7 Shivganga Apartment 2nd FL Zaver Road, Mulund West, Mumbai.
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 deceased has left behind the petitioner as is the only surviving heir. Mr.Manikant Lapasia, the husband of the

deceased predeceased her, on 4th July 2007. A copy of his death certificate is annexed at Exhibit-C to the petition. The parents of the deceased predeceased her. There is no other legal heir. By an order dated 9th July 2024, proclamation was ordered to be issued. An affidavit of service is filed on behalf of the petitioner that the proclamation has been duly published.

5. I have perused the averments in the application. The documents annexed to the petition lend support to the claim of the petitioner. It appears that, Mr.Manikant Lapasia, the husband of the deceased predeceased her. The petitioner claims to be the only surviving legal heir of the deceased. The heirship certificate is required to lay claim over the properties described in the Schedule of Assets (Exhibit-E). I do not find any impediment in granting the heirship certificate.

6. Hence the following order:-

ORDER

(i) 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) The grant of heirship certificate is expedited.

(N. J. JAMADAR, J.)