

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

MISC PETITION IN T and I J NO. 252 OF 2024

Jyoti Subhash Shah	...Petitioner
Versus	
Manjula Mathuradas Gandhi	
Alias Manjula Gandhi (deceased)	...Respondent

Mr. Smit K. Nagda for Petitioner.

CORAM	:	N. J. JAMADAR, J.
DATE	:	4th 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. Manjula Mathuradas Gandhi (deceased) was the mother of the petitioner. The deceased passed away on 17th November 2008. At the time of her death, the deceased had a fixed place of abode at Flat No.9, 3rd Floor, Naval Palace, Nariman Road, Vile Parle (E.), 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 left behind the heirs mentioned in paragraph No.4 of the petition. It is asserted that the parents and the husband of the deceased predeceased her. Praful Gandhi, the son of the deceased, also predeceased her. A copy of death certificate of Praful Gandhi is annexed at Exhibit-B to the petition. Hemali and Mita, the heirs mentioned at serial No.1A and 1B, are the daughters of Praful Gandhi. The other sister of the petitioner namely, Dipika, and heirs at serial Nos. 1A and 1B have filed affidavits giving consent for grant of heirship certificate.

5. I have perused the averments in the petition. The documents annexed to the petition lend support to the averments in the petition. It appears that the parents and husband of the deceased have predeceased her. Praful Gandhi has also predeceased the deceased. The heirs mentioned in paragraph No.4 of the petition appear to be the only surviving Class-I heirs of the deceased. The Heirship Certificate is required to lay claim over the properties described in paragraph No.9 of the petition. 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 (b).
- (ii) Issue of proclamation dispensed with.
- (iii) The grant of heirship certificate is expedited.

(N. J. JAMADAR, J.)