

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

MISC. PETITION NO. 253 OF 2024

Anika Soumya Sarkar
Through Her Mother and Natural Guardian
Pranali Soumya Sarkar ...Petitioner
Versus
Soumya Sarkar S/o Swapan Sarkar ...Deceased

Ms. Seema Hunnurkar i/by Seema Hunnurkar and Associates for
Petitioner.

CORAM : N. J. JAMADAR, J.
DATE : 30th JULY 2024

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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. The petitioner, who is the minor daughter of Soumya Sarkar s/o Swapan Sarkar (the deceased) has preferred this petition for grant of Heirship Certificate through her mother and natural guardian Pranali Soumya Sarkar. The deceased passed away on 28th June 2023. At the time of his death, he had a fixed place of abode at A-603, Raj Sarita, Kandar Pada, New Link Road, Dahisar (W), 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 mother of the deceased predeceased him.

5. The marriage of the deceased and Pranali Sarkar was solemnized on 6th March 2005. The petitioner was born out of the wedlock on 18th August 2008. A copy of the birth certificate of the minor petitioner is annexed at Exhibit-D-1. The name of the deceased is shown as the father and Pranali Sarkar as the mother, of the petitioner. The marriage came to be dissolved pursuant to the decree of divorce passed by the Family Court, Mumbai on 10th April 2023. A copy of the decree of divorce is also annexed at Exhibit-C to the petition.

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 petitioner is the only surviving class-I legal heir of the deceased. The heirship certificate is required to lay claim over the properties described in the Schedule of Assets. 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 provisions of Bombay Regulation VIII of 1827 certifying that the petitioner, is the only heir and legal representative of the deceased.”

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

(N. J. JAMADAR, J.)