

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

MISC. PETITION NO. 259 OF 2024

Shyamsundar Baburao Madhav ...Petitioner

Parvatibai Baburao Madhav alias Parvatibai
B Madhav alias P B Madhav ...Deceased

None for the Petitioner

**CORAM: N. J. JAMADAR, J.
DATED: 12th SEPTEMBER, 2024**

PC:-

1. This petition is filed for grant of heirship certificate under Section 2 of the Bombay Regulation VIII of 1827.

2. Parvatibai Baburao Madhav alias Parvatibai B Madhav alias P B Madhav (the deceased) was the mother of the petitioner. The deceased passed away on 13th March, 2004. At the time of her death, the deceased had a fixed place of abode at Mumbai.

3. 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 had left behind the petitioner as a sole surviving heir. Baburao Dewoo Madhav, the husband of the deceased, predeceased her on

3rd February, 1967. There is no other legal heir of the deceased. The heirship certificate is required to lay claim over the property left behind by the deceased described in the Schedule of Assets at Exhibit-C.

4. I have perused the averments in the petition. The documents annexed to the petition lend support to the claim of the petitioner. Baburao Dewoo Madhav, the husband of the deceased, predeceased her. Copy of death certificate of Baburao Dewoo Madhav is annexed at Exhibit-A. The petitioner appears to be the sole surviving heir of the deceased. I do not find any impediment in granting the heirship certificate.

5. 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 (1) Shyamsundar Baburao Madhav (Son) of the deceased.”

6. Issue of proclamation is dispensed with.

7. The grant of heirship certificate is expedited.

[N. J. JAMADAR, J.]