



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC. PETITION (L) NO.13487 OF 2024**

Nainesh Chandrakant Shah ... Petitioner

Daymanti Chandrakant Shah ... Deceased

Ms. Mahlaqa Ladiwala, for Petitioner.

CORAM: N.J.JAMADAR, J.

DATE : 25 JUNE 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. Daymanti (deceased) was the mother of the Petitioner. The deceased passed away on 14 April 2019. At the time of her death, she had a fixed place of abode at J. Mehta Marg, Mumbai. In the Petition, it is averred that the Petitioner has died intestate and despite diligent search, no testamentary writing or Will has been found. The deceased left behind the Petitioner and Jasmi Vipul Doshi, married daughter, the particulars of whom have been furnished in paragraph 4 of the Petition. The husband of the deceased – Chandrakant, predeceased her on 30 November 2014. Copy of the death certificate of Chandrakant is annexed at Exhibit C to the Petition. The heirship certificate is required to lay claim over the property, the description of which is SSP (corrected order as per Speaking to the Minutes of Order dated 11 July 2024).

furnished in the Schedule of property appended at Exhibit D to the Petition.

4. It appears that the Petitioner and Jasmi Vipul Doshi are the only surviving Class I legal heirs of the deceased. Jasmi Vipul Doshi has given an affidavit giving consent to the grant of heirship certificate. In the affidavit, there is a reference to the earlier Petition, which was subsequently withdrawn as the names of the other heirs of the deceased were not disclosed therein. Consenting heir states that the said Petition was not filed with any anvil and she has no objection to grant heirship certificate in the instant petition.

5. In view of the aforesaid averments in the consent affidavit, I am inclined to allow the Petition.

6. Hence, the following order :

ORDER

(i) The Petition stands allowed in terms of prayer clause (a), which reads as under :

“(a) That a Legal Heirship Certificate be granted in favour of Petitioner along with heirs mentioned in Para 4 above certifying them as legal heirs / representative of the said Deceased under the Provision of Bombay Regulation Act, VIII of 1827.

(ii) Issue of proclamation is dispensed with.

(iii) Grant be expedited.

(N.J.JAMADAR, J.)