



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC. PETITION NO.295 OF 2024**

Anita Anant Prabhu ... Petitioner

Anant Pandurang Prabhu ... Deceased

Mr. B.S.Nayak, for Petitioner.

CORAM: N.J.JAMADAR, J.

DATE : 16 JULY 2024

P.C.

1. Heard the learned Counsel for the Petitioner.
2. Leave to amend.
3. Necessary amendment be carried out forthwith.
4. Re-verification is dispensed with.
5. This petition is filed for grant of heirship certificate under Section 2 of the Bombay Regulation VIII of 1827.
6. Anant Pandurang Prabhu (deceased) was the husband of the Petitioner. He passed away on 20 December 2023. At the time of his death, the deceased had a fixed place of abode at Flat No.1403, A/2, Sarova Samata Nagar, Kandivali (East), Mumbai - 400 101. In the Petition, it is averred that the deceased had died intestate, and despite diligent search, no testamentary writing or Will has been found. The deceased left behind the Petitioner, three daughters and a son, the particulars of whom

are mentioned in the table at paragraph No.4 of the Petition. Apart from the Petitioner and the heirs mentioned in the said table, there are no other legal heirs of the deceased.

7. Perused the Petition and the documents annexed with it. The averments in the Petition find support in the documents. The heirs mentioned in the table at paragraph 4 of the Petition appears to be the only surviving Class I legal heirs of the deceased. The heirs at Sr. Nos.2 to 5 of the said table have filed affidavits giving consent for the grant of heirship certificate. Heirship certificate is required to lay claim over the property described in the Schedule appended to the Petition. I, therefore, do not find any impediment in granting heirship certificate.

8. 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 that the Petition being one of the legal heir and representative of the said deceased under the provisions of Bombay Regulation Act, VIII of 1872 be granted to her. ”

(ii) Issue of proclamation is dispensed with.

(iii) Grant be expedited.

(N.J.JAMADAR, J.)