

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

MISC. PETITION NO. 296 OF 2024

Jayalakshmi Ramesh Shettigar ...Petitioner

Sambu Hariharan W/o. Naranammalpuram
Subramaniam Hariharan ...Deceased

Mr. B. V. Holambe Patil, i/b Mr. Premkumar Kunamalla, for
the Petitioner.

**CORAM: N. J. JAMADAR, J.
DATED: 21st AUGUST, 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. Sambu Hariharan w/o Naranammalpuram Subramaniam Hariharan (the deceased) was the mother of the petitioner. The deceased passed away on 15th May, 2014 at Mumbai. At the time of her death, the deceased had a fixed place of abode at 14/277, Bhaveshwar Villa, Sion (East), Mumbai-400022.
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 petitioner and two other married daughters and two sons. One of the

married daughters Meena Sundaram passed away on 16th March, 2024. Copy of death certificate of Meena Sundaram is annexed at Exhibit-C. Naranammalpuram Subramaniam Hariharan, the husband of the deceased, had predeceased the deceased on 1st July, 2000. The particulars of the other heirs of the deceased are furnished in the table at paragraph 4 of the petition. Apart from the heirs mentioned in the said table, there is no other legal heir of the deceased. The heirship certificate is required to lay claim over the property described in the Schedule of Properties (Exhibit-B).

5. I have perused the averments in the petition. The documents annexed to the petition lend support to the claim of the petitioner. Naranammalpuram Subramaniam Hariharan, the husband of the deceased, had pre-deceased the deceased. Copy of his death certificate is annexed at Exhibit-B. Meena Sundaram, the married daughter of the deceased, had also passed away on 16th March, 2024. Husband of Meena Sundaram had predeceased her on 23rd February, 1997. Mr. Aurn Sundaram, whose particulars are furnished at Sr. No.5-a in the table at paragraph 4 of the petition, is the son of late Meena Sundaram. The other heirs of the deceased mentioned at Sr. Nos.2 to 5-a of the table at paragraph 4 of the petition have filed

affidavit giving their consent to grant heirship certificate. I do not find any impediment in granting the heirship certificate.

6. The petition stands allowed in terms of prayer clause (a), which reads as under:

“(a) That a Legal Heirship Certificate of the Deceased be issued under the provisions of Bombay Regulation Act VIII of 1827 certifying that (1) Priya Vijaykumar W/o. S. Vijayakumar (Married Daughter of the Deceased) (2) Jayalakshmi Ramesh Shettigar (Married Daughter of the Deceased and the Petitioner herein), (3) Shankar Hariharan (Son of the Deceased abovenamed) (4) Hariharan Subramanian(Son of the Deceased abovenamed) and (5) Aum Sundaram S/o. Lakshrninarayanan Sundaram alias L. Sundaram (the Grand Son of the Deceased) are the only heirs and Legal representatives of the deceased above named.”

7. Issue of proclamation is dispensed with.

8. The grant of heirship certificate is expedited.

[N. J. JAMADAR, J.]