

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

SANTOSH
SUBHASH
KULKARNI

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MISC. PETITION NO. 298 OF 2024

Usha Dattatray Gupte ...Deceased

Sandeep Dattatray Gupte ...Petitioner

Ms. Swapnil Narkar, for the Petitioner.

CORAM: N. J. JAMADAR, J.

DATED: 24th JULY, 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. Usha Dattatray Gupte (the deceased) was the mother of the petitioner. The deceased passed away on 16th June, 2021 at Mumbai. At the time of her death, the deceased had a fixed place of abode at Room No. 200, Bldg NO.4, M.H.B. Colony, Sardar Nagar No.1, Near G.T.B Railway Station, Sion, Koliwada, 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 sons, Sainath and Pradip, the particulars

of whom are furnished in the table at paragraph 4 of the petition. The parents of the deceased predeceased her. The husband of the deceased, Dattatray Yashwant Gupte, also predeceased her on 25th December, 1985. Copy of the death certificate of Dattatray Yashwant Gupte is annexed at Exhibit-B. The heirship certificate is required to lay claim over the properties described in the Schedule of Assets (Exhibit-F).

5. I have perused the averments in the petition. The documents annexed to the petition lend support to the claim of the petitioner. The husband of the deceased seems to have predeceased her. The petitioner and his two brothers, the particulars of whom are mentioned in the table at paragraph 4 of the petition, appear to be the only surviving Class-I heirs of the deceased. Sainath and Pradip, the brothers of the petitioner have filed an affidavit of giving consent to the grant of 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) 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) Sandeep Dattatray Gupte (Son) the Petitioner herein (2) Sainath Dattatray Gupte (Son) and (3) Pradip Dattatray Gupte

are the only legal heirs of the deceased i.e. Usha Dattatray
Gupte.

7. Issue of proclamation is dispensed with.
8. The grant of heirship certificate is expedited.

[N. J. JAMADAR, J.]