



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY PETITION (L) NO.6329 OF 2024**

Kadamvari S. and Anr. ... Petitioners

Babul Soumen Saha ... Deceased

Mr. Prabhu Velar i/by Ms. Vanita Bhave, 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. Babul Soumen Saha (Deceased) was the father of the Petitioners. The deceased passed away on 29 September 2023. At the time of his death, he had a fixed place of abode at Lokhandwala Complex, Andheri (W), Mumbai. The Petitioners aver that the deceased died intestate and despite diligent search, no testamentary writing or Will has been found. Apart from the Petitioners, Smt. Mira Saha, mother of the deceased, whose particulars are furnished in paragraph No.4 of the Petition, is the other legal heir of the deceased. Ms. Kanan Sanatan Satyapriy was the wife of the deceased. Their marriage was dissolved by a decree of divorce dated 24 November 2016. A copy of the divorce decree is annexed to the Petition at Exhibit B. The

mother of deceased Smt. Mira Saha, has filed an affidavit giving consent to the grant of heirship certificate. The heirship certificate is required to lay claim over the shares belonging to the deceased.

4. The averments in the Petition find support in the documents annexed to the Petition. The Petitioners and Smt. Mira Saha appear to be the only surviving Class I legal heirs of the deceased. I do not find any impediment in granting heirship certificate.

5. Hence, the following order :

ORDER

(i) 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 Petitioners under the provision of Bombay Regulation VIII of 1827 certifying that follows person i.e. (1) Mira Saha (Mother), (2) Kadamvari S. (Daughter) and (3) Damini S. (Daughter) being the only surviving legal heirs of the deceased.

(ii) Issue of proclamation is dispensed with.

(iii) Grant be expedited.

(N.J.JAMADAR, J.)