



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC. PETITION NO.319 OF 2024**

Akshay Subhash Sawant and Anr. ... Petitioners

Supriya Subhash Sawant
Subhash Tukaram Sawant ... Deceased

Mr. S.A.Desai i/by Ms. Anita Manjalkar, for Petitioners.

CORAM: N.J.JAMADAR, J.

DATE : 25 SEPTEMBER 2024

P.C.

1. This petition is filed for grant of heirship certificate under Section 2 of the Bombay Regulation VIII of 1827.
2. Supriya Subhash Sawant (deceased No.1) and Subhash Tukaram Sawant (Deceased No.2) were the parents of the Petitioners. The deceased No.1 passed away on 28 May 2018 and Subhash (deceased No.2) passed away on 16 July 2019. At the time of their death, the deceased had a fixed place of abode at 5/A, Kalpataru, Narayan Pujari Nagar, Khan Abdul Gaffar Khan Road, Worli, Mumbai - 400 018.
3. The Petitioners aver that the deceased died intestate and despite diligent search, no testamentary writing or Will has been found. The Petitioners are the only surviving Class I legal heirs of the deceased No.2. There is no other legal heir. Heirship certificate is required for formal recognition as the legal heirs of the deceased.

4. I have perused the averments in the Petition. The documents annexed to the Petition lend support of the claim of the Petitioners. The Petitioners appear to be the surviving Class I legal heirs of Subhash, who died after the death of Supriya, deceased No.1. The Deceased No.1 was survived by the Petitioners and Subhash, her husband. After the demise of Subhash (deceased No.2), the Petitioners appear to be the only legal heirs of Supriya and Subhash. I, therefore, 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 :

“(b) That a Legal Heirship Certificate certifying that the Petitioners along with the heirs mentioned in paragraph No.4 are the only heirs and legal representatives of the said deceased i.e. Supriya Subhash Sawant and Subhash Tukaram Sawant under the provisions of Bombay Regulation Act VIII of 1827;”

(ii) Issue of proclamation is dispensed with.

(iii) Grant expedited.

(N.J.JAMADAR, J.)