

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

MISC PETITION NO. 363 OF 2024

Selvi Anbalagan Wd/o
Anbalagan Swamigan ...Petitioner
Versus
Anbalagan Swamigan S/o
Swmigan Kuppuswami ...Deceased

Mr. Prabhu Velar Advocate for the petitioner.

CORAM : N. J. JAMADAR, J.
DATE : 29th AUGUST 2024

Digitally signed
by N. J. JAMADAR
DN: cn=N. J. JAMADAR,
o=, ou=, email=N.J.Jamadar@hccj.org.in,
c=IN

PC.:

1. Heard the learned Counsel for the Petitioner.
2. This is a petition for grant of Heirship Certificate under Section 2 of the Bombay Regulation VIII of 1827.
3. Anbalagan Swamigan S/o Swmigan Kuppuswami (the deceased), was the husband of the petitioner. The deceased passed away on 4th September 2020. At the time of her death, she had a fixed place of abode at Room No.185, Unit No.22, Aarey Colony, Near Kartik Swami Mandir, Goregaon (East), Mumbai.
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 has left behind Veembayee Swamigan, his mother, the petitioner, Sabapathy Anbalagan, a son and Ashwini Anbalagan, a daughter, particulars of whom are furnished in the table at paragraph No. 4 of the Petition. There is no other legal heir. The deceased was employed with a State Government Enterprise. The heirship certificate is required to claim appointment on compassionate basis.

5. I have perused the averments in the petition. The documents annexed to the petition lend support to the claim of the petitioner. The petitioner her two children and Veembayee Swamigan, the mother of the deceased, appear to be the surviving class-I legal heirs of the deceased. Veembayee Swamigan, the mother of the deceased, has filed an affidavit giving consent for grant of heirship certificate. The petitioner has also filed an affidavit in the capacity of the guardian of Sabapathy Anbalagan and Ashwini Anbalagan, minor son and daughter of the deceased, giving their consent for the grant the heirship certificate. Thus, I do not find any impediment in granting the heirship certificate.

6. Hence the following order:-

ORDER

- (i) Petition stands allowed in terms of prayer clause (a).
- (ii) Proclamation disposed with.
- (iii) The grant of heirship certificate is expedited.

(N. J. JAMADAR, J.)