



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC. PETITION NO.381 OF 2024**

Vijaya Vinay Nadkarni ... Petitioner

Vinay Vivek Nadkarni ... Deceased

Mr. Rohan Kelkar (through VC) with Ms. Pratiksha Koshe i/by Divekar Bhagwat and Co., for Petitioner.

CORAM: N.J.JAMADAR, J.

DATE : 26 NOVEMBER 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. Vinay Vivek Nadkarni (deceased) was the husband of the Petitioner. The deceased passed away on 5 May 2023. At the time of his death, the deceased had a fixed place of abode at Flat No. 42, Wing No. D3, Asmita Jyoti Co-operative Housing Society Limited, Marve Road, Charkop Naka, Malwani, Malad (West), Mumbai – 400095.
4. The Petitioner avers that the deceased died intestate and despite diligent search, no testamentary writing or Will has been found. Suchitra, the first wife of the deceased, pre-deceased him on 10 May 2007. The death certificate of Suchitra is annexed at Exhibit B. After the death of the first wife, the deceased solemnized marriage with the Petitioner. The deceased left

behind the Petitioner and Shweta Aalok Sujir nee Shweta Vinay Nadkarni, daughter from the first wife. Heirship certificate is required to lay claim over the retirement and pensionary benefits.

5. The documents annexed to the Petition lend support to the claim of the Petitioner. First wife of the deceased seems to have passed away on 10 May 2007. Apart from the Petitioner, Shweta, daughter from the first wife, is the other legal heir. Shweta has filed an affidavit giving consent for the grant of heirship certificate. I, therefore, do not find any impediment in granting heirship certificate.

6. Hence, the following order :

ORDER

(i) The Petition stands allowed in terms of prayer clause (a), which reads as under :

“(a)That this Hon’ble Court be pleased to grant the Legal Heirship Certificate certifying that the Petitioner and Shweta Aalok Sujir nee Shweta Vinay Nadkarni, being the daughter of the deceased, are the heir and legal representatives of the said deceased under the provision of Bombay Regulation Act VIII of 1827;”

(ii) Issue of proclamation is dispensed with.

(iii) Grant expedited.

(N.J.JAMADAR, J.)