

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

MISC PETITION NO. 408 OF 2024

1. Sudhakar Ganpat Shenoy
2. Sunita Suresh Hegde @
Alka Ganpat Shenoy
3. Latika Suresh Pai @
Latika Ganpat Shenoy
4. Vasant Ganpat Shenoy
5. Savita Yashwant Dange @
Savita Ganpat Shenoy
6. Geeta Ganpat Shenoy ...Petitioners
Versus
Late Laxmibai Ganpat Shenoy ...Deceased

Mr. Tushar Agrawal a/w Ms. Shobhana Waghmare for Petitioners.

CORAM : N. J. JAMADAR, J.
DATE : 3rd OCTOBER 2024

PC.:

1. Heard the learned Counsel for the Petitioners.
2. This petition is filed for issue of Legal Heirship Certificate under Section 2 of the Bombay Regulation VIII of 1827.
3. Laxmibai Ganpat Shenoy (the deceased) was the mother of the Petitioners. The deceased passed away on 16th December 1995. At the time of her death, she had a fixed place of abode at Flat No.A-2/10, Home C.H.S. Ltd., Relief Road, Daulat Nagar,

Santacruz (West), Mumbai.

4. In the petition it is averred that the deceased died interstate and despite diligent search, no testamentary writing or Will has been found. The deceased has left behind the petitioners as the surviving heirs. The husband of the deceased Ganpat Shenoy predeceased the deceased, on 8th November 1976. A copy of the death certificate of Ganpat Shenoy is annexed at Exhibit-B to the petition. The heirship certificate is required to lay claim over the property which has gone into re-development.

5. I have perused the averments in the petition. The documents annexed to the petition lend support to the claim of the petitioners. The petitioners appear to be the only surviving legal heirs of the deceased. 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 (b).
- (ii) Proclamation dispensed with.
- (iii) The grant of heirship certificate is expedited.

(N. J. JAMADAR, J.)