



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC. PETITION NO.410 OF 2024**

Manoj Kumar Sharma ... Petitioner

Saroj Sharma alias Saroj Dhuruv Sharma ... Deceased

Mr. Sameer R. Logade, for Petitioner.

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. Saroj Sharma (deceased) was the mother of the Petitioner. The deceased passed away on 18 May 2024. At the time of her death, the deceased had a fixed place of abode at K-102, Bhoomi Park, Phase 4, Malad (W), Mumbai – 400 095.
3. The Petitioner avers that the deceased died intestate and despite diligent search, no testamentary writing or Will has been found. The Petitioner is the sole surviving heir of the deceased. Dhuruv Kumar Sharma, husband of the deceased, predeceased her on 1 March 1990. Copy of the death certificate of Dhuruv Kumar Sharma, is annexed at Exhibit C to the Petition. Heirship certificate is required to lay claim over the property left behind by the deceased.

4. I have perused the averments in the Petition. The Petitioner appears to be the sole surviving heir of the deceased. Dhuruv Kumar Sharma, father of the Petitioner and the husband of the deceased, predeceased the deceased on 1 March 1990. A copy of the share certificate (Exhibit G) issued by the Society indicates that the deceased was the co-owner of Flat No.K-102, Bhoomi Park, Phase 4, Malad (W), Mumbai - 400 095 along with the Petitioner and Dhuruv Kumar Sharma, predeceased husband of the deceased. 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 be issued certifying that Manoj Kumar Sharma is the heir and legal representative of the deceased abovenamed under the provision of Bombay Regulation Act VIII of 1827;”

(ii) Issue of proclamation is dispensed with.

(iii) Grant expedited.

(N.J.JAMADAR, J.)