

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

MISC PETITION NO. 411 OF 2024

Meghraj Suresh Sawant ...Petitioner
Versus
Latika Suresh Sawant ...Deceased

Mr. Prabhu Velar a/w Nimish Savla for the Petitioner.

CORAM : N. J. JAMADAR, J.
DATE : 19th SEPTEMBER 2024

PC.:

1. Heard the learned Counsel for the Petitioner.
2. This petition is filed for issue of Legal Heirship Certificate under Section 2 of the Bombay Regulation VIII of 1827.
3. Latika Suresh Sawant (the deceased) was the mother of the petitioner. The deceased passed away on 23rd November 2023. At the time of her death she had a fixed place of abode at at 21/606, Near Pantnagar Mahila Mandal, Near Datta Mandir, Ghatkopar 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 left behind the petitioner and his two brothers Deepak Sawant and Mangesh Sawant, the

particulars of whom are furnished at serial Nos.2 and 3 in the table at paragraph No.4 of the petition. There is no other legal heirs. Suresh Sawant, the husband of the deceased predeceased her, on 19th August 2014. A copy of the death certificate of Suresh Sawant is annexed at exhibit-B to the petition.

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 and his two brothers Deepak Sawant and Mangesh Sawant appear to be the surviving legal heirs of the deceased. Deepak and Mangesh have filed affidavit giving their consent for grant of heirship certificate. The heirship certificate is required to lay claim over the properties described in the schedule of assets. Thus, I do not find any impediment in granting heirship certificate.

6. Hence, the following order:

ORDER

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

(N. J. JAMADAR, J.)