

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC. PETITION (L) NO. 23675 OF 2024

Ashwini Ashok Jadhav. ...Petitioner

Ashok Dattatraya Jadhav ...Deceased

Ms. Megha Jani, i/b Vinayak Salokhe, for the Petitioner.

CORAM: N. J. JAMADAR, J.
DATED: 21st AUGUST, 2024

PC:-

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. Ashok Dattatraya Jadhav (the deceased) was the husband of the petitioner. The deceased passed away on 18th July, 2020. At the time of his death, the deceased had a fixed place of abode at Room No.4, Sai Darshan Road No.1, Borivali (East), Mumbai- 400 066.
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 two daughters Snehal Rakesh Mehta and Prachi Ashok Jadhav, the particulars of whom are furnished

at Sr. Nos.2 and 3 of the table at paragraph 4 of the petition. Apart from the petitioner and two daughters there is no other legal heirs of the deceased. The heirship certificate is required to apply for a liquor licence.

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 her two daughters; Snehal Rakesh Mehta and Prachi Ashok Jadhav are the only surviving Class-I legal heirs of the deceased. Snehal Rakesh Mehta and Prachi Ashok Jadhav have filed affidavits giving consent for grant of heirship certificate. I do not find any impediment in granting the heirship certificate.

6. The petition stands allowed in terms of prayer clause (a), which reads as under:

“(a) That a Legal Heirship Certificate be issued under the provision of Bombay Regulation Act VIII of 1827 Certifying that (1) Ashwini Ashok Jadhav (Widow of the deceased and the Petitioner herein), (2) Snehal Rakesh Mehta (Married Daughter of the deceased) and (3) Prachi Ashok Jadhav (Daughter of the deceased), are the only heirs and Legal representatives of the deceased.”

7. Issue of proclamation is dispensed with.

8. The grant of heirship certificate is expedited.

[N. J. JAMADAR, J.]