

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

MISC. PETITION (L) NO. 16824 OF 2024

1. Milind Manohar Desai
2. Sunil Manohar Desai
3. Ajay Manohar Desai ...Petitioners

Manohar Laxman Desai ...Deceased

Mr. Akkshay Mishra, for the Petitioners.

**CORAM: N. J. JAMADAR, J.
DATED: 22nd 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. Manohar Laxman Desai (the deceased) was the father of the petitioners. The deceased passed away on 5th July, 2020. At the time of his death, the deceased had a fixed place of abode at Bldg. No.2, R. No.75, Sardar Nagar No.1, Sion Koliwada, Mumbai 400 022.
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 parents of the deceased predeceased

him. Vartana Manohar Desai, the wife of the deceased, also predeceased him. Copy of death certificate is annexed at Exhibit-C to the petition. The heirship certificate is required to lay claim over the property left behind the deceased described in Schedule-1.

5. I have perused the averments in the petition. The documents annexed to the petition lend support to the claim of the petitioner. Vartana Manohar Desai, the wife of the deceased, seems to have predeceased him. The petitioners being the sons of the deceased are the only surviving Class-I legal heirs of the deceased. Thus, I do not find any impediment in granting the heirship certificate.

6. The petition stands allowed in terms of prayer clause (a).

7. Issue of proclamation is dispensed with.

8. The grant of heirship certificate is expedited.

[N. J. JAMADAR, J.]