

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC. PETITION (L) NO. 17196 OF 2024

Vaishali Atul Ranpise ...Petitioner

Atul Narayan Ranpise ...Deceased

Mrs. Ami Parekh, for the Petitioner.

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. Atul Narayan Ranpise (the deceased) was the husband of the petitioner. The deceased passed away on 2nd February, 2022. At the time of his death, the deceased had a fixed place of abode at 302, A2, C Wing, Manikchand Malbar Apartment, Lullanagar, Wanavdii, Pune City, Pune-411040.
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 sons Alok Atul Ranpise and Yash Atul Ranpise, the particulars of whom are furnished at Sr. Nos.2 and 3,

respectively, in the table at paragraph 4 of the petition. Alok Ranpise was born to the deceased from his first wife Sucheta. The marriage came to be dissolved by a decree of divorce on 22nd April, 2004. After the marriage with Vaishali, the deceased and the petitioner adopted Master Atharv, who was renamed as Yash. Copy of certificate issued by the District Judge – 13, Pune, dated 29th October, 2010 is annexed to the petition at Exhibit-E. It is averred that the mother of the deceased, Neela Narayan Ranpise passed away on 27th August, 2019. Copy of her death certificate is annexed at Exhibit-B to the petition. The heirship certificate is required to lay claim over the property and to produce before the concerned authority.

5. I have perused the averments in the petition. The documents annexed to the petition lend support to the claim of the petitioner. There is a certificate issued by the District Judge-13, Pune to the effect that Yash was adopted by the deceased and the petitioner. The petitioner and two sons namely; Alok and Yash appear to be the only surviving Class-I legal heirs of the deceased. Alok has filed an affidavit giving consent for grant of heirship certificate. The petitioner has filed an affidavit for and on behalf of the Yash, the minor adopted son of the deceased giving consent for the grant of heirship certificate.

Thus, 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) Vaishali Atul Ranpise (Widow of the Deceased and the Petitioner herein), (2) Alok Atul Ranpise (Son of the Deceased) and (3) Yash Atul Ranpise (Minor Son of the Deceased) and 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.]