

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

MISC PETITION NO. 429 OF 2024

Jaydeep Kirit Mehta	...Petitioner
Versus	
Surekha Kirit Mehta	...Deceased

Ms. Mansi Shah i/by M/s. Pravin Mehta and Mithi and Co. for
Petitioner.

CORAM	:	N. J. JAMADAR, J.
DATE	:	7th OCTOBER 2024

PC.:

1. Heard the learned Counsel for the Petitioner.
2. This petition is preferred for issue of Heirship Certificate under Section 2 of the Bombay Regulation VIII of 1827.
3. Surekha Kirit Mehta (the deceased) was the mother of the petitioner. The deceased passed away on 12th December 2016. At the time her death, she had a fixed place of abode at Flat No.704, Veena Niketan, Devidas Lane, Borivali (West), Mumbai.
4. The petitioner avers that the deceased died intestate and despite diligent search, no testamentary writing or Will has been found. Mr. Kirit Mehta, the husband of the deceased predeceased her, on 10th July 2008. A copy of death certificate of Kirit Mehta

is annexed at Exhibit-C to the petition. There is no other legal heir. The heirship certificate is required to lay claim over the property described in schedule of property (Exhibit-G).

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 appears to be the sole surviving heir of the deceased. The husband of the deceased has predeceased her. I do not find any impediment in granting the heirship certificate.

6. Hence, the following order:

ORDER

(i) Petition stands allowed in terms of prayer clause (a).

(ii) Proclamation dispensed with.

7. The grant of heirship certificate is expedited.

(N. J. JAMADAR, J.)