

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

MISC PETITION NO. 430 OF 2024

Rukhshana Darayas Modi	...Petitioner
Versus	
Darayas J Modi & Darayas Jamshedji Modi	...Deceased

Mr. Prabhu Velar for the Petitioner.

CORAM	:	N. J. JAMADAR, J.
DATE	:	19 th SEPTEMBER 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. Darayas Jamshedji Modi (the deceased), was the husband of the petitioner. The deceased passed away on 27th May 2021. At the time of his death, he had a fixed place of abode at Dhana Patel Building, 1st Floor, 232, Tardeo Road, 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 has left behind the petitioner and

three sons, the particulars of whom are furnished at serial Nos.2 to 4 in the table at paragraph No.4 of the petition. There is no other legal heir. The heirship certificate is required for formal recognition as the legal heir of the deceased.

5. I have perused the averments in the application. The documents annexed to the petition lend support to the claim of the petitioner. The deceased seems to have been survived by the petitioner and three sons, the particulars of whom are furnished at serial Nos.2 to 4 in the table at paragraph No. 4 of the petition. They have filed affidavit giving their consent for grant of heirship certificate. The heirship certificate is required for formal recognition as the legal heirs of the deceased. Thus, 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.
- (iii) The grant of heirship certificate is expedited.

(N. J. JAMADAR, J.)