

This Order is modified/corrected by Speaking to Minutes Order dated 21.10.2024.

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

MISC PETITION NO. 431 OF 2024

Uttara Pratimesh Khot

...Petitioner

Versus

1. Amarnath Atmaram Kelaskar

2. Amita Amarnath Kelaskar

...Deceased

Mr. Pravinchand B. Gole for the Petitioner.

CORAM : N. J. JAMADAR, J.
DATE : 3rd OCTOBER 2024

PC.:

1. Heard the learned Counsel for the Petitioner.
2. This petition is for grant of Heirship Certificate under Section 2 of the Bombay Regulation VIII of 1827.
3. Amarnath Atmaram Kelaskar, (the deceased No.1) was the father of the Petitioner. The deceased No.1 passed away on 22nd July 2014. Amita Amarnath Kelaskar, (the deceased No.2) was the mother of the Petitioner. The deceased No.2 passed away on 2nd June 2024. At the time of their death, the deceased No.1 and 2 had a fixed place of abode at 18/B, 3rd Floor, Happy House CHS, Hatiskar Marg, Opposite Beach Tower, Prabhadevi, Mumbai.

4. In the petition it is averred that both deceased died interstate and despite diligent search, no testamentary writing or Will has been found. The deceased left behind petitioner as the sole surviving legal heir. The parents of both the deceased have predeceased them. There is no legal heir. The heirship certificate is required to lay claim over the property described in the Schedule of Assets (Exhibit-D).

5. I have perused the averments in the petition. The documents annexed to the petition lend support to the claim of the petitioner. The deceased No.1 was survived by the deceased No.2 and petitioner. The deceased No.2 passed away on 22nd June 2024. Apart from the petitioner, there is no other legal heir of the deceased No.1 and 2. 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.)