

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

MISC. PETITION NO. 432 OF 2024

1. Leena Mahendra Kotian @ Leena
Mahendra Kotiyan
 2. Rajesh Mahendra Kotian
 3. Rakesh Mahendra Kotian
 4. Reshma Bhagwan Chavan
- ...Petitioners

Mahendra Guruvappa Kotian @
Mahendra Guruvappa Kotiyan

...Deceased

Ms. Susan Abhram and Mr. Narayan Suvarna, for the
Petitioners.

CORAM: N. J. JAMADAR, J.

DATED: 20th SEPTEMBER, 2024

PC:-

1. Heard the learned Counsel for the petitioners.
2. This petition is filed for grant of heirship certificate under Section 2 of the Bombay Regulation VIII of 1827.
3. Mahendra Guruvappa Kotian @ Mahendra Guruvappa Kotiyan (the deceased) was the husband of petitioner No.1. The deceased passed away on 22nd December, 2023. At the time of his death, the deceased had a fixed place of abode at Room No. 9, Home for Aged Lane, HEK Compound, Mahakali Caves Road, Andheri (East), Mumbai - 400 093.

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 petitioners as his only surviving Class-I legal heirs. There is no other legal heir. The heirship certificate is required to lay claim over the properties left behind the deceased.

5. I have perused averments in the petition. The documents annexed to the petition lend support to the claim of the petitioners. The petitioners appear to be the Class-I legal heirs of the deceased. 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) This Hon'ble Court be pleased to issue a Legal Heirship Certificate to the petitioners under the provision of Bombay Regulation VIII of 1827 certifying that the Petitioners are the heirs and legal representatives of the abovenamed Mahendra Guruvappa Kotian @ Mahendra Guruvappa Kotiyan.”

7. Issue of proclamation is dispensed with.

8. The grant of heirship certificate is expedited.

[N. J. JAMADAR, J.]