

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

MISCELLANEOUS PETITION NO. 456 OF 2024

Anuj Tushar Shah ...Petitioner

Tushar Fatehchand Shah ...Deceased

Mr. Hardik Sampat, i/b BJ Law Offices LLP, for the Petitioner.

CORAM: N. J. JAMADAR, J.

DATED : 10 DECEMBER 2024

P.C.:

- 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.** Tushar Fatehchand Shah (deceased) was the father of the Petitioner. The deceased passed away on 20th April 2024. At the time of his death, the deceased had a fixed place of abode at 13/90, Gitanjali, Near S.I.W.S. School, Wadala, Greater Mumbai, Maharashtra – 400 031.
- 4.** The Petitioner avers that the deceased died intestate and despite diligent search, no testamentary writing or Will has been found. The deceased had left behind Mrs. Swati Tushar Shah, the widow, and the Petitioner as the surviving Class-I legal heirs. There is no other legal heir. Heirship certificate is required to claim the commission/brokerage from the Asset

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Management Companies.

5. The documents annexed to the Petition lend support to the claim of the Petitioner. The Petitioner and his mother, Swati Tushar Shah, appear to be the only surviving Class-I legal heirs of the deceased. Swati, the widow of the deceased, has filed an Affidavit giving her consent for the grant of Heirship Certificate. Hence I do not find any impediment in granting Heirship Certificate.

6. Hence the following order:

O R D E R

- (i) The Petition stands allowed in terms of prayer clause (a).
- (ii) Proclamation dispensed with.
- (iii) Grant expedited.

[N. J. JAMADAR, J.]