



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC. PETITION NO.501 OF 2024**

Kala Chitranjan Khimani and Anr. ... Petitioners

Chitranjan Vasantlal Khimani ... Deceased

Mr. Sameer R. Logade, for Petitioners.

CORAM: N.J.JAMADAR, J.

DATE : 9 OCTOBER 2024

P.C.

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. Chitranjan Vasantlal Khimani (Deceased) was the husband of the Petitioner No.1 and father of Petitioner No.2. The deceased passed away on 18 December 2022. At the time of his death, the deceased had a fixed place of abode at A — 402, Country Park, Datta Pada Road, Opp. Tata Steel, Borivali (East), Mumbai — 400066.
4. The Petitioners aver that the deceased died intestate and despite diligent search, no testamentary writing or Will has been found. The deceased had left behind the Petitioners as the surviving legal heirs. The parents of the deceased have predeceased him. There is no other legal heir. Heirship certificate is required to lay claim over the properties described in the

Schedule of Property (Exhibit 1).

5. I have perused the averments in the Petition. The documents annexed to the Petition lend support to the claim of the Petitioners. The Petitioners appear to be the surviving Class I heirs of the deceased. I am, therefore, inclined to grant heirship certificate.

6. Hence, the following order :

ORDER

(i) The Petition stands allowed in terms of prayer clause (a), which reads as under :

“(a) That a Legal Heirship Certificate be issued, certifying that Kala Chitranjan Khimani and Riddhi Chitranjan Khimani are the heir and legal representative of the deceased abovenamed under the provision of Bombay Regulation Act VIII of 1827;”

(ii) Issue of proclamation is dispensed with.

(iii) Grant expedited.

(N.J.JAMADAR, J.)