

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

MISC PETITION NO. 502 OF 2024

1. Renuka Rashmikan Kapadia
2. Hiten Rashmikan Kapadia
3. Tejas Rashmikan Kapadia ...Petitioners
Versus
Rashmikan Morarji Kapadia ...Deceased

Mr. Shyamsunder Solanke for Petitioners.

CORAM : N. J. JAMADAR, J.
DATE : 7th OCTOBER 2024

PC.:

1. Heard the learned Counsel for the Petitioners.
2. This petition is preferred for issue of Heirship Certificate under Section 2 of the Bombay Regulation VIII of 1827.
3. Rashmikan Morarji Kapadia, (the deceased) was the husband of petitioner No.1 and father of Petitioner Nos. 2 and 3. The deceased passed away on 7th June 2024. At the time of his death, the deceased had a fixed place of abode at 41, Building No.01, Juhu Gold Mist CHS Ltd., JVPD, Gulmohar Cross Road, Vileparle West, Greater Mumbai.
4. The petitioner avers that the deceased died intestate and

despite diligent search, no testamentary writing or Will has been found. The deceased has left behind the petitioners as the surviving class-I legal heirs. The heirship certificate is required to lay claim over the property left behind by the deceased and described in the Schedule (Exhibit-C).

5. I have perused the averments in the petition. The documents annexed to the petition lend support to the claim of the petitioners. It appears that the petitioners are surviving class-I legal heirs of the deceased. The parents of the deceased have predeceased him. 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.

7. The grant of heirship certificate is expedited.

(N. J. JAMADAR, J.)