



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC. PETITION NO.522 OF 2024**

Aditya Ashok Samant ... Petitioner

Ashok Dattatreya Samant ... Deceased

Mr. Sushil A. Inamdar i/by Mr. Ajit Shrikhande, for Petitioner.

CORAM: N.J.JAMADAR, J.

DATE : 5 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. Ashok Dattatreya Samant (deceased) was the father of the Petitioner. The deceased passed away on 30 April 2019. At the time of his death, the deceased had a fixed place of abode at 3, Hemprabha 68 Marine Drive, Mumbai 400 020.
4. The Petitioner avers that the deceased died intestate and despite diligent search, no testamentary writing or Will has been found. The deceased left behind Usha Samant – the widow and three sons, namely, Ajay, Dhananjay and Aditya – the Petitioner, the particulars of whom are furnished in the table at paragraph No.4 of the Petition. There is no other legal heir. Heirship certificate is required to produce the same before the concerned

authorities.

5. I have perused the averments in the Petition. The documents lend support to the claim of the Petitioner. The Petitioner and the heirs mentioned Sr. Nos.1 to 3 in the table at paragraph No.4 of the Petition appear to be the surviving Class I legal heirs of the deceased. There is no other legal heir. The heirs mentioned at Sr. Nos.1 to 3 have filed affidavits giving their consent for grant of heirship certificate. I do not find any impediment in granting 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 the Heirship Certificate be granted to him to certify that (1) Usha Ashok Samant (2) Ajay Ashok Samant, (3) Dhananjay Ashok Samant and (4) Aditya Ashok Samant I.e. the Petitioner abovenamed are the legal Heirs and representatives of the said deceased under the Provisions of the Bombay Regulation Act, VIII of 1827 with copy of the Schedule I hereto to the said Heirship Certificate (Exh. E hereto).

(ii) Issue of proclamation is dispensed with.

(iii) Grant expedited.

(N.J.JAMADAR, J.)