

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

MISC. PETITION NO. 541 OF 2024

Parshuram D Argile ... Deceased

Kalpana Parshuram Argile ... Petitioner

Seegarla Shrikant Murlidhar, for the Petitioner.

CORAM: N.J.JAMADAR, J.
DATE : 12 NOVEMBER 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. Parshuram D Argile (deceased) was the father of the Petitioner. The deceased passed away on 10th October 2013. At the time of his death, the deceased had a fixed place of abode at Room No. 10, Building no. 60, 1st Floor, Kamathipura 3rd Lane, M.R. Road, Mumbai – 400 008.
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, Uma Parshuram Argile, his widow, the Petitioner, a daughter and two sons, Vinod and Rajesh, particulars of whom are furnished in the

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table at paragraph No.4 of the Petition. Uma Parshuram Argile, the widow of the deceased, passed away on 8th May 2020. A copy of death certificate of Uma is annexed at Exhibit "C" to the Petition. Heirship certificate is required to lay claim over the properties left behind by the deceased.

5. I have perused the averments in the Petition. The documents lend credence to the claim of the Petitioner. The Petitioner and two sons, namely, Vinod and Rajesh, appear to be the surviving Class I legal heirs of the deceased. Uma, the widow of the deceased has since deceased, the deceased. 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 Legal Heirship Certificate may be granted to the Petitioner certifying that Kalpana Parshuram Argile (the Petitioner abovenamed); Vinod Parshuram Argile (elder son of deceased) and Rajesh Parshuram Argile (younger son of deceased), are the only legal heirs and representatives of the said deceased Parshuram Dashrath Argile under the Provisions of the Bombay Regulation Act,

VIII of 1827;

- (ii) Issue of proclamation is dispensed with.
- (iii) Grant expedited.

(N.J.JAMADAR, J.)