

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

MISCELLANEOUS PETITION NO.554 OF 2024

Mankumari Manbahadur Thapa ... Petitioner
And
Manbahadur Khadak Thapa ... Deceased

Mr. Madhav Shah i/b. Mr. Siddharth Desai, for Petitioner.

CORAM: N. J. JAMADAR, J.
DATE : NOVEMBER 28, 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. Manbahadur Khadak Thapa (Deceased) was the father of the Petitioner. He passed away on 28th November, 2008. At the time of his death, he had a fixed place of abode at Room No. B/201, Bldg. A/13, Panchshil CHS, New RNA Park 2, Vashi Naka, Chembur, Kurla, Mumbai.
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 the petitioner and Rambahadur and Ombahadur, the two sons, and Gopachi Manbahadur Thapa, the widow. Gopachi passed away on 22nd April, 2020. Copy of the death certificate of Gopachi is at Exhibit B. The parents of the deceased predeceased the

deceased. There is no legal heir. The heirship certificate is required to claim pensionary benefits.

5. The documents annexed to the petition lend support to the claim of the petitioner. The heirs mentioned at serial Nos. 1 to 3 at paragraph 4 appear to be the surviving legal heirs of the deceased. Rambahadur and Ombahadur, the brothers of the petitioners, have filed affidavits giving their consent for grant of heirship certificate.

6. Thus, I do not find any impediment in granting heirship certificate.

Hence, the following order :

ORDER

- (I) The Petition stands allowed in terms prayer clause (a).
- (ii) Issue of proclamation is dispensed with.
- (iii) Grant expedited.

(N.J.JAMADAR, J.)