

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

MISC. PETITION NO. 555 OF 2024

Nandkumar Dayanand Awasare ...Petitioner

Umesh Dayanand Avasare alias Umesh
Dayanand Awasare ...Deceased

Mr. Prabhu Velar, for the Petitioner.

CORAM: N. J. JAMADAR, J.

DATED: 27th NOVEMBER, 2024

PC:-

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. Umesh Dayanand Avasare alias Umesh Dayanand Awasare (the deceased) was the brother of the petitioner. The deceased passed away on 15th August, 2024. At the time of his death, the deceased had a fixed place of abode at 9/171, Juhu Natraj, Opp. Supreme Shopping Centre, Samarth Ramdas Marg, Juhu, Mumbai - 400049.
4. In the petition, it is averred that the deceased died intestate and despite diligent search no testamentary writing or Will has been found. The deceased died as a bachelor. The

parents of the deceased have predeceased him. There is no other legal heir of the deceased. The heirship certificate is required to lay claim over the property described in the Schedule of Assets (Exhibit-E).

5. The averments in the petition find support in the documents annexed to the petition. It appears that the deceased died intestate as a bachelor. Shobhna Dayanand Awasare, the mother of the deceased, predeceased him on 8th April, 1990. Copy of death certificate of Shobhna Awasare is annexed at Exhibit-B. The petitioner appears to be the sole surviving legal heir of the deceased. I do not find any impediment in granting the heirship certificate.

6. Petition stands allowed in terms of prayer clause (a).

7. Issue of proclamation is dispensed with.

8. The grant of heirship certificate is expedited.

[N. J. JAMADAR, J.]