



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

MISC. PETITION NO.557 OF 2024

Harsh Hamir Vadhel ... Petitioner

Hamir Badha Vadhel ... Deceased

Mr. Suraj Shetye with Mr. Farhan Shaikh, Mr. Rohit Mahadik, Mr. Rushikesh Bhagat, Mr. Tanuj Kushare, Ms. Priyasha Pawar, for Petitioner.

CORAM: N.J.JAMADAR, J.

DATE : 18 NOVEMBER 2024

P.C.

1. Heard the learned Counsel for the Petitioner.
2. Learned Counsel for the Petitioner seeks leave to amend the Petition so as to annex a copy of the death certificate of the widow of the deceased.
3. Leave granted.
4. Necessary amendment be carried out within a period of one week.
5. Re-verification is dispensed with.
6. This petition is filed for grant of heirship certificate under Section 2 of the Bombay Regulation VIII of 1827.
7. Hamir Badha Vadhel (deceased) was the father of the Petitioner. The deceased passed away on 18 September 2008 at Mumbai. At the time of his death, the deceased had a fixed place of abode at Room No.5, B. LT Chawl

No.1, Tank Pakhadi Road, Opp Khatau Chawl, Byculla, Mumbai 400 008.

8. 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 the Petitioner and Kesar Hamir Vadhel, the widow. Kesar, the widow of the deceased and the mother of the Petitioner, passed away on 6 May 2010. There is no other legal heir. Heirship certificate is required for formal recognition as the legal heir of the deceased and to seek appointment on compassionate basis.

9. I have perused the Petition. The documents annexed to the Petition lend support to the claim of the Petitioner. The widow of the deceased has passed away on 6 May 2010. The Petitioner appears to be the sole surviving Class I legal Heir of the deceased. There does not appear any other legal heir. I, therefore, do not find any impediment in granting heirship certificate to the Petitioner.

10. Hence, the following order :

ORDER

(i) The Petition stands allowed in terms of prayer clause (a), which reads as under :

“(a) This Hon'ble Court may issue the Legal Heirship Certificate thereby certifying the Petitioner i.e., Harsh Hamir Vadhel as recognized legal heirs and representatives of the deceased.

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

(N.J.JAMADAR, J.)