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

MISCELLANEOUS PETITION NO. 559 OF 2024

Savita Anand Alkunte ... Petitioner
And
Saraswati Namdev Alkunte
@ Saraswati Namdev Alakunte ... Deceased

Mr. Manoj Mane, for Petitioner.

CORAM: N.J.JAMADAR, J.
DATE : DECEMBER 04, 2024

P.C.

1. Heard the learned Counsel for the Petitioners.
2. This petition is filed for grant of heirship certificate under Section 2 of the Bombay Regulation VIII of 1827.
3. Saraswati Namdev Alkunte alias Saraswati Namdev Alakunte (Deceased) was the mother in law of the petitioner. The deceased passed away on 15th May, 2018. At the time of her death, she had a fixed place of abode at Room No.4193, Chawl No.349, Group No.04, Tagore Nagar, Vikhroli (East), Mumbai- 400 083.
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 two sons and two daughters. Anand Alkunte, a son of the deceased, since deceased the deceased, on 28th September, 2023.

The petitioner and Sakshi Alkunte, the particulars of whom mentioned at Serial No.1-b are the wife and daughter respectively of Anand Alkunte. Anjani Ganpat Mangodekar, a daughter, also since deceased the deceased, on 24th January, 2024. The heirs at Serial Nos. 3-a to 3-c are the heirs of Anjani. Ranjana Ashok Banpatte, another daughter pre deceased the deceased on 10th December, 2016. The heirs mentioned at Serial Nos. 4-a to 4-c are the heirs of Ranjana.

5. Namdev Alkunte, the husband of the deceased, predeceased the deceased on 20th July, 2001. The copies of the death certificates of the husband of the deceased, Anand Alkunte, the son, Anjani and Ranjana, the daughters, are annexed to the petition. The heirship certificate is required to lay claim over the property described in the Schedule I.

6. The petition is supported by the documents annexed to the petition. The heirs mentioned in the table at paragraph 4 appear to be the surviving heirs of the deceased. The heirs mentioned at Serial Nos. 1-b, 3-a to 3-c and 4-a to 4-c have filed their affidavits giving their consent for grant of heirship certificate. Thus, I do not find any impediment in granting heirship certificate.

Hence, the following order :

ORDER

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

(N.J.JAMADAR, J.)