



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC. PETITION NO.590 OF 2024**

Dilip Achyut Shivalkar ... Petitioner

Achyut Shivalkar @ Achyut Lahu Shivalkar ... Deceased

Mr. Prabhu Velar, for Petitioner.

**CORAM: N.J.JAMADAR, J.
DATE : 5 DECEMBER 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. Achyut Shivalkar (deceased) was the father of the Petitioner. The deceased passed away on 17 January 1996. At the time of his death, the deceased had a fixed place of abode at Room No.26, Building No.9A, Umarchadi Road, 1st Lane, 'B' Ward, Mumbai – 400 009.
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, Suchita, Rekha, Archana; the daughters, and Sanjay, son, the particulars of whom are furnished at Sr. Nos.2 to 5 in the table of paragraph No.4 of the Petition. Nirmala, widow of the deceased, has since deceased the deceased on 24 July 2007. Copy of the death certificate of Nirmala, is at Exhibit B to the Petition. There is no other legal heir.

Heirship certificate is required to lay claim over the property described in the Schedule of property (Exhibit D).

5. I have perused the averments in the Petition. The documents lend support to the claim of the Petitioner. The Petitioner along with three daughters and son, particulars of whom are furnished in the table at paragraph no.4 of the Petition appear to be the surviving Class I legal heirs of the deceased. There is no other legal heir. The heirs mentioned at Sr. Nos.2 to 5 of the table at paragraph No.4 of the Petition have filed affidavits giving their consent for grant of heirship certificate. Thus, I do not find any impediment in granting heirship certificate to them.

6. Hence, the following order :

ORDER

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

“(a) That a Legal Heirship Certificate be issued under the provision of Bombay Regulation Act VIII of 1827, Certifying that Dilip Achyut Shivalkar, the Petitioner abovenamed along with heirs mentioned in Para 4 are the only legal heirs and representative of Deceased abovenamed.

(ii) Issue of proclamation is dispensed with.

(iii) Grant expedited.

(N.J.JAMADAR, J.)