

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 47 OF 2016**

Bharat Pratapchandra Gupta	...Petitioner
<i>And</i>	
Shashi Pratapchandra Gupta	...Deceased

Mr. R.B. Wadhwani, *with Mr. N.M. Nadar, for the Petitioner.*

CORAM: G.S. PATEL, J
DATED: 9th August 2016

PC:-

1. The Petitioner was not represented on 21st June 2016, and hence it was inadvertently noted that one of the two sons has not consented. Today, it is pointed out that all the heirs have consented. The Petition has already been accepted. The issuance of a proclamation is dispensed with. The Petition is made returnable forthwith and is taken up for hearing and final disposal.

2. The Petitioner seeks a Legal Heirship Certificate under Section 2 of Bombay Regulation VIII of 1827 in respect of one Smt. Shashi Pratapchandra Gupta, who is said to have died intestate in Mumbai, where she was ordinarily resident, on 9th January 2016. A copy of her death certificate is annexed.

3. The deceased was survived by the four heirs whose names mentioned in the tabulation below paragraph 4 of the petition. The elder son is the Petitioner. The other heirs have consented.

4. During her lifetime, the deceased held a catering License from the Western Railway as a Sole Proprietor of the firm M/s. Chhedalal Nathanlal & Sons for a tea stall on Platform No. 1 and a tea stall on Plat Nos. 1 and 2 of the Western Railway Jogeshwari Railway Station, Mumbai. After deceased's death, the Petitioner requested the Western Railway to enter his name as the Contractor for these two tea stalls. The Petitioner was asked to produce a Legal Heirship Certificate. Hence this Petition.

5. All the heirs have consented. No other Petition for a heirship certificate, succession certificate, probate or letters of administration with or without will annexed has been filed. There is no impediment to the grant of relief.

6. The petition is made absolute in terms of prayer clause (a), which read as follows:

“(a) This Hon’ble Court be pleased to issue a Legal Heirship Certificate to the Petitioner under the provision of Bombay Regulation VIII of 1827 certifying that the Petitioner and the other legal heirs, namely, Vinit Pratapchandra Gupta, Mrs. Smita Vinod Agarwal & Mrs. Anita Sunit Gupta are the heirs and legal representatives of the said deceased.”

7. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J.)