

VIKRANT

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 101 OF 2016**

Aspi Darabsha Patel	...Petitioner
<i>And</i>	
Darabsha Nanabhai Patel	...Deceased

Mr. Balu L. Mangale, *for the Petitioner.*

CORAM: G.S. PATEL, J
DATED: 27th September 2016

PC:-

1. Accepted. All the other heirs having consented, the proclamation is dispensed with. The Petition is made returnable forthwith and is taken up for hearing and final disposal.

2. The Petitioner seeks an Heirship Certificate under Section 2 of the Bombay Regulation VIII of 1827 in respect of one Darabsha Nanabhai Patel, who died intestate in Mumbai, where he was ordinarily resident, on 28th March 2010. The deceased was a Parsi. A copy of his death certificate is annexed.

3. The deceased's parents died before him a long time earlier. His wife died intestate on 12th January 2002. A copy of her death certificate is annexed. Their elder daughter Roshan died intestate on

4th January 2016. Her death certificate copy is also annexed. She was survived by her own husband, her only legal heir. Thus, the heirs of the deceased are the ones whose names are shown in the table below paragraph 7 of the Petition. All these heirs have filed a joint consent Affidavit which is at page 23 of this Petition.

4. The Petitioner is the younger son of the deceased.

5. The Petitioner requests the Heirship Certificate for an application to be made to the Revenue Authorities in respect of the properties listed in the schedule to the present Petition.

6. There is no other petition for probate, Letters of Administration with or without will annexed or for an Heirship Certificate. The other heirs having consented, there is no impediment to the grant of the relief.

7. The Petition is made absolute in terms of prayer clause (b) which reads:

“(b) That a Legal Heirship Certificate certifying that the Petitioner along with the heirs mentioned hereinabove in the table set out in paragraph 7 are the only heirs and legal representatives of the said Deceased under the provisions of the Bombay Regulation Act VIII of 1827.”

(G. S. PATEL, J.)