

JSN

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION (L) NO.1884 OF 2016**

Ashni Rahul Dwarkadas

... Petitioner

And

Ashok Gopaldas Sampat

...Deceased

Mr. Cyrus Ardeshir, Counsel, with Rahul Dwarkadas, Neveille Mukerji, i/b Veritas Legal for the Petitioner.

CORAM: G.S. PATEL, J

DATED: 16th September 2016.

PC:-

1. Accepted. The Petitioner is the daughter of the deceased. He was survived by the Petitioner (his daughter), a son, and his mother. The deceased's son and mother have filed affidavits of consent. Hence, I dispense with the need for issue of a proclamation. Miscellaneous Petition is made returnable forthwith and 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 Ashok Gopaldas Sampat, who is said to have died intestate in Mumbai, where he was ordinarily resident, on 23rd April 2015. A copy of his death certificate is annexed.

3. The deceased was survived by his married daughter, *viz.*, the Petitioner; his mother; and his son. Their names are mentioned in the tabulation below paragraph 5 of the petition. The deceased left no Will.

4. At the time of his death, the deceased held various investments in the nature of shares and mutual funds. He had also created securities in respect of some of his assets to a bank or banks. It is stated in paragraph 9 that the debts of the estate have been paid by the Petitioner and her husband. The Petitioner and her husband have in fact discharged the entirety of the deceased's debts.

5. The Affidavits of Petitioner's mother and brother, annexed at pages 12 and 15 respectively to the Petition, clearly state that they have no objection to Petitioner being declared the sole beneficiary and sole heir of the deceased and to the grant of an heirship certificate.

6. 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.

7. The petition is made absolute in terms of prayer clause (a), which reads as under:

“(a) That this Hon'ble Court be pleased to issue an Heirship Certificate under the provisions of the Bombay Regulation VIII of 1827, in

terms of what is stated hereinabove certifying that the Petitioner is the sole beneficiary and solely entitled to the estate, if any, of the deceased, Ashok Gopaldas Sampat.”

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

(G. S. PATEL, J.)