

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC. PETITION NO. 151 OF 2015

Trikamdas Odhavji Chandan ... Deceased

Umesh Trikamdas Chandan ... Petitioner

Mr. Nitin M. Pagare for the Petitioner.

CORAM : S.J. KATHAWALLA, J.
DATED : 27TH JANUARY, 2016

P.C.

1. The Petitioner is the son and one of the legal heirs of late Trikamdas Odhavji Chandan (the deceased). The deceased passed away at Mumbai on 14th February, 2015. A copy of the death certificate of the deceased is annexed and marked Exhibit-A to the Petition.

2. According to the Petitioner, the deceased was carrying on business in the name of M/s. Chandan Chemical Industries at Premises No. 52, New Barden Lane, Mumbai – 400003. The only two Partners of M/s. Chandan Chemical Industries were the deceased and the Petitioner. After the deceased passed away, the Petitioner applied to the Area Manager, MIDC, Regional Office, Thane (1) for change in the status of the business i.e. from a Partnership firm to Proprietary concern. The said Area Manager, MIDC, Regional Office, Thane (1) called upon the Petitioner to produce the legal heirship certificate. A copy of the letter issued by the said Area Manager, MIDC, Regional Office Thane (1) is annexed and marked Exhibit-B to the Petition.

3. The deceased left the following persons as his heirs and next of kin

according to the Hindu Succession Act, 1956 :

Sr.No.	Name of the Legal Heirs and age	Relationship with the deceased	Residential Address
1	Sushilaben Trikamdas Chandan, aged 75 years	Widow	Ganesh Bhavan, (Flat No. M-2), 276, Telang Road, Matunga, Mumbai - 400019.
2	Umesh Trikamdas, aged 54 years	Son	-do-
3	Jayesh Trikamdas, aged 55 years	Son	-do-
4	Haresh Trikamdas, aged 57 years	Son	Flat-33, Gita Bldg., Matunga, Mumbai-400019

4. It is submitted that the parents of the deceased predeceased him. Save and except the legal heirs mentioned above, there are no other legal heirs left by the deceased.

5. All the legal heirs of the deceased have filed an Affidavit dated 14th September, 2015 stating that they have no objection and they are giving full and free consent for issuance of the heirship certificate sought by the Petitioner. In view thereof, the Petition is allowed in terms of prayer Clause (a), which is reproduced hereunder :

“(a) That legal heirship certificate thereby certifying the Petitioner Umesh Trikamdas Chandan (Son) and Sushilaben Trikamdas Chandan (Widow) and Jayesh Trikamdas Chandan (Son) and Haresh Trikamdas Chandan (Son), be recognized as the legal heirs and representative of the deceased be granted to the Petitioner.”

6. The Petition is accordingly disposed of.

(S.J.KATHAWALLA, J.)