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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY & INTESTATE JURISDICTION

MISCELLANEOUS PETITION NO.63 OF 2017

Kishore M. Hule ...Deceased

Rupali K. Hule ...Petitioner

Mr.Sushil Inamdar for the Petitioner.

CORAM : R.D. DHANUKA, J.
DATE : 18TH JULY, 2017.

P.C. :-

1. By this petition filed under section 2 of the Bombay Regulation VIII of 1827, the petitioner seeks issuance of legal heirship certificate of the deceased Kishore Mahadeo Hule @ Kishore Mahadev Hule. The said deceased died in Mumbai on 20th February, 2016. A copy of the death certificate of the said deceased is annexed to the petition. In paragraph 4 of the petition, the names of the legal heirs and next of kin under the Hindu Succession Act are disclosed. The petitioner has filed the consent affidavit of the legal heirs both dated 27th January, 2017 giving no objection to grant of legal heirship certificate in favour of the petitioner without service of proclamation upon the other legal heirs. The statements made in the consent affidavits are accepted.

2. It is stated that the parents of the deceased pre-deceased the deceased. The said deceased had two daughters and no son. Save and except the legal heirs mentioned in paragraph 4 of the petition, there are no other legal heirs and next of kin left by the deceased. Learned counsel for the petitioner states that there are no other legal heirs and next of kin except the names mentioned in paragraph 4 of the petition. The statements made in the petition as well as made by the learned counsel across the bar are accepted.

3. In view of the consent given by the two legal heirs, the proclamation is dispensed with.

4. I therefore, pass the following order :-

a). The Miscellaneous Petition No.63 of 2017 is made absolute in terms of prayer clause (A). No order as to costs.

(R.D. DHANUKA, J.)