

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

MISC.PETITION NO.41 OF 2017

Panna Bipin Modi V/s.	)..Petitioner
Kalpesh Bipin Modi (deceased)	)..Respondent

Mr.Dipen Furia i/by M/s.Shah & Furia Associates for the petitioners.

CORAM : K.R.SHRIRAM,J
DATE : 29.3.2017

P.C.:-

- 1 Petition accepted.
- 2 The petitioner is one of the heirs of the deceased. The deceased Kalpesh Bipin Modi died in a motor accident on 18.12.2016 leaving behind the petitioner and 2 minor children Miss.Sachie Kalpesh Modi and Master Shaurya Kalpesh Modi as his legal heirs. The wife of the deceased also died in the same accident. By an order dated 10.3.2017 the paternal grand father of the 2 minors Mr.Bipin Chimanlal Modi was appointed as guardian of the person and property of the 2 minors.
- 3 The guardian of the 2 minors has filed an affidavit dated 22.3.2017 consenting to the reliefs sought in the petition.
- 4 In view of the above, the issuance of proclamation is

dispensed with and the petition is made returnable forthwith and taken up for hearing and final disposal.

5 The petitioner is seeking legal heirship certificate under Section 2 of Bombay Regulation VIII of 1827 in respect of her late son Kalpesh Modi who died intestate on 18.12.2016. During his life time, the deceased had availed ***Accident Care Individual Insurance Policy and Star Comprehensive Insurance Policy*** from Star Health and allied Insurance Company Limited and other Life Insurance Policies from Life Insurance Corporation of India. The heirship certificate is needed for submitting a claim to the insurance companies and for receiving the claim amounts from the insurance companies.

6 It is also stated that no application has been made to any District Court or District Delegate or to any High Court for probate of any will of the deceased or for Letters of Administration with or without Will annexed to his property and credit and no application has been made to any District Court or District Delegate or to any High Court for legal heirship certificate.

7 Since the guardian of legal heir has consented, I find no impediment for grant of relief sought. Petition is made absolute in

terms of prayer clause-(a) in favour of (1) Mrs.Panna Bipin Modi ; (2) Miss.Sachie Kalpesh Modi and (3) Master Shaurya Kalpesh Modi.

All concerned to act on a copy of this order duly authenticated by the Associate of this court.

(K.R.SHRIRAM,J)

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

MISC.PETITION NO.44 OF 2017

Miss.Sachie Kalpesh Modi & Master Shaurya)
Kalpesh Modi through their guardian Mr.Bipin C.Modi)..Petitioners

V/s.

Kejal Kalpesh Modi (deceased))..Respondent

Mr.Dipen Furia i/by M/s.Shah & Furia Associates for the petitioners.

CORAM : K.R.SHRIRAM,J

DATE : 29.3.2017

P.C.:-

1 Petition accepted.

2 Issuance of proclamation dispensed with and the petition is made returnable forthwith and taken up for hearing and final disposal.

3 The petitioners are minors who have approached this court through their guardian Mr.Bipin Chimanlal Modi. The parents of the minor died in a motor accident on 18.12.2016. The deceased was the mother of the 2 minors. Copies of the death certificate of the deceased and the passport of the minors are annexed.

4 The petitioners are seeking legal heirship certificates under Section 2 of Bombay Regulation VIII of 1827 in respect of their

late mother Smt.Kejal Kalpesh Modi who died intestate on 18.12.2016. During her life time, the deceased's husband had a ***Accident Care Individual Insurance Policy and Star Comprehensive Insurance Policy*** from Star Health and allied Insurance Company Limited and other ***Life Insurance Policies*** from Life Insurance Corporation of India. The heirship certificate is needed for submitting a claim to the insurance companies and for receiving the claim amounts from the insurance companies.

5 It is also stated that no application has been made to any District Court or District Delegate or to any High Court for probate of any will of the deceased or for Letters of Administration with or without Will annexed to his property and credit and no application has been made to any District Court or District Delegate or to any High Court for legal heirship certificate.

6 I find no impediment for grant of relief sought. Petition is made absolute in terms of prayer clause-(a) in favour of (1) Miss.Sachie Kalpesh Modi and (2) Master Shaurya Kalpesh Modi.

All concerned to act on a copy of this order duly authenticated by the Associate of this court.

(K.R.SHRIRAM,J)