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

MISCELLANEOUS PETITION NO.74 OF 2017

Arun M. Saitawadekar ...Deceased

Avinash A. Saitawadekar ...Petitioner

Mr.D.N. Kulkarni 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 who is the son of the deceased Arun M. Saitawadekar, seeks issuance of the legal heirship certificate of the said deceased, who died on 21st January, 2017. The death certificate of the said deceased is annexed to the petition. The names of the legal heirs and next of kin of the said deceased under the Hindu Succession Act, 1925 have been given in paragraph 4 of the petition. It is stated that the deceased had no daughter and no other legal heirs save and except those mentioned in paragraph 4 of the petition, there are no other legal heirs and next of kin left behind by the deceased. The petitioner has filed the consent affidavits of the widow of the said deceased and also of the mother of the said

deceased dated 17th April, 2017 and 16th May, 2017 respectively giving consent for issuance of legal heirship certificate in favour of the petitioner and without service of proclamation.

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

3. Learned counsel appearing for the petitioner states that there are no other legal heirs of the deceased except the petitioner and other two legal heirs and next of kin disclosed in paragraph 4 of the petition. The statement made in the petition and by the learned counsel for the petitioner across the bar are accepted.

4. I therefore, pass the following order :-

a). The Miscellaneous Petition No.74 of 2017 is made absolute in terms of prayer clause (a). No order as to costs.

(R.D. DHANUKA, J.)