

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

MISCELLANEOUS PETITION NO. 11 OF 2017

Miss Sharda Govind Dhumal .. Deceased

Chandrakant Govind Dhumal .. Petitioner

Mr. Shantharaja D. Bhandary for petitioner.

**CORAM : K.R.SHRIRAM, J.
DATE : 1ST FEBRUARY, 2017**

P.C.

1 Accepted.

2 The petitioner is one of the legal heir of the deceased one Sharda Govind Dhumal who expired on 2nd March 2015 at Mumbai. The deceased, at the time of death, is stated to have been a spinster. The legal heirs are mentioned in paragraph 4 being the petitioner (brother) and two other sisters of the deceased. The two sisters have given their consent and have accordingly filed a joint affidavit dated 31st August 2016 which is also annexed to the petition. Hence issuance of proclamation is dispensed with.

3 The miscellaneous petition is made returnable forthwith and taken up for hearing and final disposal.

4 The petitioner is seeking a legal Heirship Certificate under Section 2 of the Bombay Regulation Act VIII of 1827 in respect of the deceased Ms.Sharda Govind Dhumal who is stated to have died intestate. A copy of the Death Certificate is also annexed at Exh.'E' to the petition.

5 The deceased was survived by the petitioner (her brother) and two sisters who are mentioned in paragraph 4 of the petition. They have also consented to grant of Heirship Certificate to the petitioner. It is stated that the deceased had certain leasehold right in respect of the property mentioned in Exh.'F' to the petition and this Heirship Certificate is required for the purpose of claiming the deceased's share out of the leasehold property.

6 It is also stated that no application has been made to any District Court for Probate of any Will of the said deceased or for Letters of Administration with or without Will annexed to the property and credits of the deceased. There is no impediment to grant the reliefs.

7 The petition is made absolute in terms of prayer clause (a). Heirship certificate is granted in favour of the persons mentioned in paragraph 4 of the petition, viz., Chandrakant Govind Dhumal, Smt.Aruna Narendra Patil and Smt. Nanda Liladhar Patil.

8 The petition disposed.

9 All concerned to act on a copy of this order authenticated by Associate of the Court.

(K.R. SHRIRAM, J.)