

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

MISCELLANEOUS PETITION NO.43 OF 2017

Vimalkant Makhanlal Agarwal @ DhanukaPetitioner

Vs.

Shobhadevi Vimalkant DhanukaDeceased

Mr. Ashok Dhanuka a/w. Ms. Ramola Bhowmik for petitioner.

CORAM : K.R.SHRIRAM, J.

DATE : 5th APRIL, 2017

P.C.:

1 Accepted. The petitioner is one of the legal heirs of late Shobhadevi Vimalkant Dhanuka, who expired on or about 29th April, 2016. There are only three other legal heirs apart from the petitioner who have all consented. Hence, issuance of proclamation is dispensed with and miscellaneous petition is made returnable forthwith and taken up for hearing and final disposal.

2 The petitioner is seeking Legal Heirship Certificate under Section 2 of Bombay Regulation VIII of 1827, in respect of late Shobhadevi Vimalkant Dhanuka, who is said to have died intestate on 29th April, 2016 in Mumbai, where she was ordinarily resident. A copy of the death certificate is also annexed to the petition.

3 The deceased was survived by her widower husband, i.e., the petitioner, two sons and a daughter. Their names are mentioned in the

tabulation below paragraph 4 of the petition. The three children have consented for grant of the Legal Heirship Certificate.

4 During her lifetime, the deceased had invested various sums of money in fixed deposits with Bank of India, Malad (East) Branch. The deceased had not left any nomination. To encash those fixed deposits the Heirship Certificate is needed.

5 It is also stated in the petition that no other application has been made to any District Court or District delegate or to any High Court for Probate of any Will of the said deceased or for Letters of Administration with or without the Will. Therefore, I do not find any impediment to the grant of the relief as sought.

6 The petition is made absolute in terms of prayer clause – (a) in faovur of the persons mentioned in the tabulation below paragraph 4 of the petition, viz., Vimalkant Makhanlal Agarwal alias Dhanuka, Ashish Vimalkant Dhanuka, Amit Vimalkant Dhanuka and Pooja Sachin Saraogi alias Pooja Vimalkant Dhanuka.

7 All concerned to act on an authenticated copy of this order.

(K.R. SHRIRAM, J.)