

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY & INTESTE JURISDICTION
MISC.PETITION (L) NO.2387 OF 2016

Nishid Prafulchandra Shah .. Deceased

Rupal Nishid Shah .. Petitioner

Mr.B.G.Saraf for Petitioner

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CORAM: K.R.SHRIRAM, J

DATE: 8 FEBRUARY 2017

P.C.

1. Accepted.
2. The Petitioner is the wife of the deceased. The petitioner is the widow of one Nishid Prafulchandra Shah who died on 16 May 2016 leaving behind his widow the Petitioner, two minor children Rupal Nishid Shah and Niall Nishid Shah and mother Smt Nirupama Prafulchandra Shah. The mother Smt Nirupama Prafulchandra Shah has filed an Affidavit affirmed on 7 February 2017 consenting to the reliefs sought in the Petition and also relinquishing all her right, title and interest in Flat No.302,Samudra Gaurav Apartments, Worli Sea Face, A.G.Khan Road, Worli, Mumbai-400 030 (the said flat) in favour of Petitioner

and the two minor children. Hence, issuance of Proclamation is dispensed with and Misc.Petition is made returnable forthwith and taken up for hearing and final disposal.

3. The Petitioner is seeking legal heir ship Certificate under section 2 of the Bombay Regulation Act VIII of 1827 in respect of her deceased husband-Nishid Prafulchandra Shah who is said to have died interstate at Mumbai where he was ordinarily resident. A copy of the Death Certificate is annexed to the Petition.

4. During his life time, the deceased had mortgaged the share certificate/documents relating to the said flat with HSBC Bank. The legal heir ship Certificate is required, inter alia, for collecting the share Certificates/documents relating to the said flat.

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 the Will of the said deceased or for Letter of Administration with or without Will in respect of the estate of the deceased. Therefore, there is no impediment in the grant of the reliefs sought.

6. Petition is made absolute in terms of prayer clause (a) in favour of Rupal Nishid Shah, Smt Nirupama Prafulchandra Shah, Master Niall Nishid Shah and Kum.Riana Nishid Shah.

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

8. Petition is disposed of accordingly.

9. Notwithstanding disposal of this Petition, all office objections are to be removed within a period of one week and Petition be numbered.

{K.R.SHRIRAM, J}