

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

MISCELLANEOUS PETITION NO. 1 OF 2017

Nandkumar Gajanan Samant

.. Deceased

(1) Ashokkumar Gajanan Samant &

(2) Dilipkumar Gajanan Samant

.. Petitioners

Mr.S.U. Lakdawala for petitioners.

CORAM : K.R.SHRIRAM, J.

DATE : 1ST MARCH , 2017

P.C.

1 On 11th January 2017, the petition was accepted and proclamation was directed to be issued, returnable on 22nd February 2017. The counsel for the petitioners states that the proclamation has been issued and filed an affidavit of service of one Mrs.Kasturi Kiran Chavan, affirmed on 6th February 2017. The records do not indicate anyone has filed any objection.

2 The petitioners are the legal heirs of one Nandkumar Gajanan Samant, who expired on 14th July 2016 at Dubai (UAE). The petitioners seek legal heirship certificate under Section 2 of the Bombay Regulation VIII of 1827 in respect of the deceased Nandkumar Gajanan Samant who is stated to have died intestate. A copy of his Death Certificate issued by the Consulate General of India, Dubai (U.A.E.) is also annexed to the petition.

It is stated that the deceased was a divorcee. He had divorced his wife on 30th October 2001. A certified copy of the Decree of Divorce passed by the Joint Civil Judge, Senior Division, Thane on 30th October 2001 is tendered and the same is taken on record and marked 'X' for identification.

3 It is stated in the petition that apart from the petitioners, there are no other legal heirs. The parents of the deceased predeceased the deceased. The father of the deceased Gajanan Nilkanth Samant died on 3rd May 2001 and the mother of the deceased Mrs.Saroj Gajanan Samant died on 3rd October 2009. Copies of their Death Certificates are also annexed to the petition.

4 During his lifetime, the deceased worked in Dubai and has left movable and immovable properties including Bank accounts etc. in India, Dubai (U.A.E.) and in Saudi Arabia. Copies of the passport of the petitioners is also annexed to the petition.

5 The legal heirship certificate is required for the purpose of recognizing the petitioners' as legal heirs and for lodging their claim to the properties that were belonging to the deceased.

It is also stated that the petitioners have not made any application 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 credits in India as well as outside India. I do not find any impediment in granting the reliefs sought.

6 The petition is, therefore, made absolute in terms of prayer clause (a) in favour of Ashokkumar Gajanan Samant & Dilipkumar Gajanan Samant.

7 The petition accordingly disposed.

(K.R. SHRIRAM, J.)