

vai

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

MISCELLANEOUS PETITION NO.153 OF 2018

Suresh Chandra Prakash Gupta ...Deceased

Lavkush S.Gupta & Ors. ...Petitioners

Mr.Rajendra Yadav for the Petitioners.

CORAM : R.D. DHANUKA, J.
DATE : 18TH DECEMBER, 2018.

P.C. :-

1. By this petition filed under section 2 of the Bombay Regulation Act VIII of 1827, the petitioners who are the sons of the deceased Suresh Chandra Prakash Gupta, who died on 25th August, 2014 have prayed for issuance of heirship certificate. The death certificate of the said deceased is annexed to the petition.

2. In paragraph 4 of the petition, the names of the legal heirs of the said deceased and next of kin are mentioned. The wife of the deceased Kamladevi Suresh Gupta has expired on 9th August, 2005. Her death certificate is also annexed to the petition. The said Kamladevi has left behind her husband, Ram Luan Suresh Gupta and the petitioners herein as her sons and only legal heirs and representatives. It is stated that the said deceased died intestate.

3. Out of the remaining four legal heirs of the deceased, three of the legal heirs have filed this petition for heirship certificate. Insofar as Ram Lautan Suresh Gupta, he has filed the consent affidavit dated 16th February, 2018 giving free consent for issuance of heirship certificate in favour of the petitioners. The consent affidavit dated 16th February, 2018 is taken on record.

4. The proclamation is dispensed with. The petitioners have made out a case for grant of legal heirship certificate.

5. I therefore, pass the following order :-

a). The petition is made absolute in terms of prayer clause

(a). There shall be no order as to costs.

b). The office is directed to issue the heirship certificate expeditiously.

(R.D. DHANUKA, J.)