

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 83 OF 2018**

Nivrutti Jaiwant Misal ...Deceased

Kiritkumar Nivrutti Misal ...Petitioner

Mrs Ankita A Gadkari, *for the Petitioner.*

CORAM: G.S. PATEL, J

DATED: 13th July 2018

PC:-

1. Accepted. All the heirs have consented. Hence proclamation dispensed with. Petition is made returnable forthwith and taken up for hearing and final disposal.
2. The Petitioner is the son of the deceased. He seeks a Legal Heirship Certificate under Section 2 of Bombay Regulation VIII of 1827 in respect of his father Nivrutti Jaiwant Misal, who is said to have died intestate in Mumbai, where he was ordinarily resident, on 29th August 2012. A copy of his death certificate is annexed.
3. At the time of his death the deceased lived at Durga Nagar, Near MES Colony, Arurli Cross Road, Kandivali (East), Mumbai 400 101.

4. The deceased was survived by his widow, Kanta N Misal, the Petitioner and deceased's daughter Jaymala N Misal. Kanta and Jaymala have consented and their Consent Affidavits are at pages 19 and 21, respectively. There are no other heirs.

5. During his lifetime, the deceased was in service with Western Railway. The heirship certificate is required for production before the Western Railway Authorities for collection of his dues and to apply for employment on compassionate grounds.

6. There is no impediment to the grant of relief. No other Petition for a heirship certificate, succession certificate, probate or letters of administration with or without will annexed has been filed.

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

8. Heirship Certificate be issued expeditiously.

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

(G. S. PATEL, J)