

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC.PETITION NO. 162 OF 2018

Chandrakant Sambhaji Ghadge **Deceased**

Rajani Chandrakant Ghadge **Petitioner**

Mr. Jayesh S. Kalanke for the Petitioner.

CORAM : R.D. DHANUKA, J.

DATE : 22nd DECEMBER, 2018

P.C.

By this Miscellaneous Petition, the petitioner who is widow of the deceased prays for grant of heirship certificate under section 2 of the Bombay Regulation Act VIII of 1827. The deceased Mr. Chandrakant Sambhaji Ghadge died on 23rd April, 2005. A copy of the death certificate is annexed to the petition. It is stated in the petition that the deceased died intestate. The names of the legal heirs are disclosed in paragraph (4) of the petition. It is stated that the deceased left behind him surviving as his only heir and next of kins as per Hindu Succession Act, 1956 whose names are disclosed in the paragraph (4) of the petition. The parents of the deceased predeceased the deceased. Save and except the legal heirs whose names are mentioned in paragraph (4), there are no other legal heirs left by the said deceased. The statements made in the petition are accepted.

2. The consent affidavits of the legal heirs are annexed all dated

31st May, 2018 giving their full and free consent for grant of the heirship certificate in favour of the petitioner without service of any proclamation upon them and without justifying any surety in respect of their shares in the estate of the deceased. The said consent affidavits are taken on record. The statements made in the affidavit are accepted. The proclamation is dispensed with. The petitioner has made out a case for grant of relief in terms of prayer clauses (A) and (B).

3. The Miscellaneous Petition is made absolute in terms of prayer clauses (A) and (B).

4. The Office is directed to issue heirship certificate expeditiously. No order as to costs.

[R.D. DHANUKA, J.]