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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

MISCELLANEOUS PETITION NO.118 OF 2018

Harjivandas H. Kantharia ...Deceased

Subhashchandra H. Kantharia ...Petitioner

Mr.Ravi R. Gadagkar I/b Ms.Usha R. Gadagkar for the Petitioner.

CORAM : R.D. DHANUKA, J.
DATE : 4TH DECEMBER, 2018.

P.C. :-

1. By this petition filed under section 2 of the Bombay Regulation Act VIII of 1827. The petitioner who is the son of the deceased late - Harjivandas H. Kantharia expired on 26th February, 2018, seeks legal heirship certificate. All the legal heirs are described in paragraph 4 of the petition. Legal heir no.2 has filed this petition. Legal heir nos.1, 3, 4, and 5 have filed the consent affidavits for grant of heirship certificate in favour of the petitioner. Insofar as the widow of the said deceased - Harjivandas H. Kantharia, who is described at serial no.1 in paragraph 4 of the petition is concerned, learned counsel appearing for the petitioner invited my attention to a certificate dated 5th June, 2018 issued by Dr.P.J. Oak of Saifee Hospital, Bombay certifying that after examining Mrs.Niranjana

Harjivandas Kantharia on 5th June, 2018 he found that the said Mrs.Niranjana Harjivandas Kantharia has advanced stage of Dementia and is mobile at home.

2. In view of the certificate issued by Dr.P.J. Oak, which is accepted by this Court, the proclamation insofar as Mrs.Niranjana Harjivandas Kantharia is concerned is dispensed with. The statements made in the petition are accepted. The petitioner has made out a case for grant of heirship certificate in terms of prayer clauses (A) and (B) of the petition.

3. The Miscellaneous Petition No.118 of 2018 is accordingly made absolute in terms of prayer clauses (A) and (B). The office is directed to issue heirship certificate expeditiously.

4. There shall be no order as to costs.

5. The parties as well as the learned Prothonotary & Senior Master of this court to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)