

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC.PETITION NO. 150 OF 2018

Nitin Bhalchandra Desai

..... Deceased

Nilima Nitin Desai & Anr.

..... Petitioners

Mr.B.G.Saraf for the Petitioners.

CORAM : R.D. DHANUKA, J.

DATE : 19th DECEMBER, 2018

P.C.

By this Miscellaneous Petition, the petitioners pray for grant of heirship certificate under section 2 of the Bombay Regulation Act VIII of 1827. The deceased Mr.Nitin Bhalchandra Desai expired on 1st June, 2015. A copy of the death certificate is annexed to the petition. The names of the legal heirs are disclosed in paragraph (4) of the petition. It is stated that the deceased left behind his only legal heirs and next of kins as per Hindu Succession Act, 1956 whose names are disclosed in the paragraph (4) of the petition. The father of the deceased predeceased the deceased. The deceased had no daughters and only son Durgesh whose name is disclosed at serial no.2 of paragraph (4). The petition is filed by two of the legal heirs whose names are disclosed at serial nos.1 and 2. The petitioners have filed consent affidavit of Ms.Vrinda Bhalchandra Desai dated 26th September,2018 giving her full and free consent for grant of the heirship certificate in favour of the petitioners without service of any citation/notice/proclamation upon her and without justifying any surety

in respect of her share in the estate of the deceased. Consent affidavit is taken on record. The statements made in the affidavit are accepted.

2. The Miscellaneous Petition is made absolute in terms of prayer clause (a).

3. The office is directed to issue heirship certificate expeditiously. No order as to costs.

[R.D. DHANUKA, J.]