

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC.PETITION NO. 160 OF 2018

Jeyakumar Shivlingam
alias Jeyakumar Sivalingam
alias S. Jeyakumar
alias Jeyakumar Christian

..... Deceased

Jeyakumar Mary Agustin

..... Petitioner

Mr.Prabhu Velar 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. Jeyakumar Shivlingam alias Jeyakumar Sivalingam alias S. Jeyakumar alias Jeyakumar Christian died on 22nd April, 2014. 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 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. The said deceased had two sons and one daughter. Save and except the legal heirs whose names are mentioned in paragraph (4), there are no other legal heirs left by the said deceased.

2. The consent affidavits of the legal heirs are annexed at pages 20 to 25 all dated 22nd October, 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.]