

By this Miscellaneous Petition, the petitioner who is one of the daughter of the deceased prays for grant of heirship certificate under section 2 of the Bombay Regulation Act VIII of 1827. The deceased Mr.Sumankant Saburdas Parikh alias Soomankant Saburdas Parikh expired on 11<sup>th</sup> April, 2017. 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. The wife of the deceased i.e. Smt.Hasumati Sumankant Parikh died on 11<sup>th</sup> April, 2014. A copy of her death certificate is annexed to the petition. One of the son Mr.Salil Sumankant Parikh died on 16<sup>th</sup> July, 2014. A copy of his death certificate is annexed to the petition.

2. Learned counsel appearing for the petitioner states that save and except the legal heirs whose names are mentioned in paragraph (4) of the petition, there are no other legal heirs left by the said deceased. Statement is accepted.

3. A joint consent affidavit of the legal heirs dated 21<sup>st</sup> November, 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 is filed. Consent affidavit is taken on record. The statements made in the consent affidavit are accepted. The proclamation is dispensed with. The petitioner has made out a case for grant of relief in terms of prayer clause (a).

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

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

**[R.D. DHANUKA, J.]**