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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY & INTESTATE JURISDICTION

MISCELLANEOUS PETITION NO.35 OF 2019

Ramesh J. Dhika	...Deceased
And	
Sanjay R. Dhika	...Petitioner

None for for the Petitioner.

CORAM : R.D. DHANUKA, J.
DATE : 5TH MARCH, 2019.

P.C. :-

1. By this petition filed under section 2 of the Bombay Regulation VIII of 1827, the petitioner who is the son of the deceased Ramesh J. Dhika, who died on 23rd January, 2017 seeks heirship certificate. A copy of the death certificate of the deceased is annexed to the petition.

2. In paragraph 7 of the petition, it is averred that the said deceased died intestate left behind him his legal heirs and next of kin as the only surviving heirs and next of kin according to the Hindu Succession Act applicable to the said deceased. The wife of the deceased predeceased the deceased and died on 1st March, 2003. Apart from the petitioner, daughter Neelam Ravi Gaychand @ Neelam Ramesh Dhika and another son Ajay Ramesh Dhika are the

only legal heirs and next of kin of the said deceased.

3. The petitioner filed consent affidavit of Neelam Ravi Gaychand @ Neelam Ramesh Dhika dated 8th January, 2019 and Ajay Ramesh Dhila dated 8th January, 2019 giving their full and free consent in favour of the petitioner for grant of legal heirship certificate without service of any citation / notice upon them without any surety being justified for their share left by the said deceased. The consent affidavits are taken on record. The statements made by the petitioner in the petition are accepted. The proclamation is dispensed with.

4. The petitioner has made out a case for issuance of the legal heirship certificate.

5. The Miscellaneous Petition No.35 of 2019 is made absolute in terms of prayer clause (a).

6. The office is directed to issue heirship certificate expeditiously. There shall be no order as to costs.

(R.D. DHANUKA, J.)