

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY & INTESTATE JURISDICTION
MISC. PETITION NO. 20 OF 2019

Shankar Vishnu Jadhav

..... Deceased

Rajan Shankar Jadhav

..... Petitioner

Mr.Bhalchandra Saraf for the Petitioner.

CORAM : R.D. DHANUKA, J.

DATE : 13th FEBRUARY, 2019

P.C.

By this petition filed under section 2 of the Bombay Regulations, VIII of 1827, the petitioner who is the son of the deceased Mr.Shankar Vishnu Jadhav who died on 27th June, 2017 seeks heirship certificate. A copy of the death certificate of the said deceased is annexed to the petition.

2. In paragraph (3), the names of all the legal heirs and next-of-kin according to the Hindu Succession Act of the said deceased are disclosed.

3. Mr.Saraf, learned counsel appearing for the petitioner states that the widow of the said deceased Smt.Sarojani Shankar Jadhav whose name is disclosed at serial no.1 has expired during the pendency of this petition. Mr.Jayant Shankar Jadhav, another son of the said deceased also died leaving behind him the legal heirs whose names are also disclosed at serial nos. (5a) and (5b). The parents of the deceased predeceased the deceased. The deceased has no other son or daughter.

Save and except whose names are disclosed in paragraph (3) of the petition, there are no other legal heirs and next-of-kin of the said deceased.

4. The petitioner has filed consent affidavits of the remaining legal heirs along with the petition giving full and free consent for grant of the heirship certificate in favour of the petitioner without service of any citation/notice/proclamation upon them. The consent affidavits are taken on record. The statements made in the petition are accepted.

5. The petitioner states that insofar as Smt.Sarojani Shankar Jadhav who was widow of the said deceased Mr.Shankar Vishnu Jadhav is concerned, all her legal heirs are already on record in this proceeding. Statement is accepted. Proclamation is dispensed with.

6. The petitioners have made out a case for heirship certificate. It is made clear that in view of the fact that Smt.Sarojani Shankar Jadhav has expired, her name shall not be included in the heirship certificate.

7. Office is accordingly directed to issue heirship certificate expeditiously. Miscellaneous petition is accordingly made absolute in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]