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

MISCELLANEOUS PETITION NO.48 OF 2018

Ganpat H. Solanki ...Deceased

Vishnu G. Solanki ...Petitioner

Mr.Rajiv A. Jadhav for the Petitioner.

CORAM : R.D. DHANUKA, J.
DATE : 6TH FEBRUARY, 2019.

P.C. :-

1. Learned counsel appearing for the petitioner states that all the legal heirs of the deceased Ganpat Hirabhai Sonanki are served. Affidavit of service is already filed.

2. By this petition filed under under section 2 of the Bombay Regulation Act VIII of 1827, the petitioner who is the son of the deceased Ganpat Hirabhai Sonanki seeks heirship certificate. The said deceased died at Gujarat on 12th May, 2017. A copy of his death certificate is annexed to the petition.

3. In paragraph 3 of the petition, it is stated that the said deceased died intestate. In paragraph 5, the names of the legal heirs and next of kin of the said deceased are disclosed. It is stated that save and except the names mentioned in paragraph 5 of the petition,

there are no other legal heirs and next of kin left by the said deceased. The parents of the deceased are pre-deceased the said deceased. The deceased had no daughter. Insofar as Smt.Priti Ganpat Solanki, whose name is mentioned at serial no.4 in paragraph 5 of the petition is concerned, it is the case of the petitioner that the petitioner came to know that the said Smt.Priti Ganpat Solanki is the second wife of the said deceased.

4. The petitioner has filed the consent affidavit of Smt.Ratan Ganpat Solanki and Smt.Bhavana Ganpat Solanki. The consent affidavits giving their full and free consent for grant of heirship certificate in this petition are accepted.

5. Pursuant to the order passed by this Court on 5th June, 2018, the proclamation has been already issued. No objection has been received pursuant to the proclamation issued by this Court. The affidavit of service clearly indicates that the proclamation was issued in compliance with the order dated 5th June, 2018 passed by this Court. The statements made in the petition are accepted. The petitioner has made out a case for issuance of heirship certificate as prayed.

6. The miscellaneous petition is made absolute in terms of prayer clause (a). The office is directed to issue heirship certificate to the petitioner expeditiously.

7. There shall be no order as to costs.

(R.D. DHANUKA, J.)