

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY & INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 136 OF 2018

Ms.Divya Purshottam Rai

..... Deceased

Smt.Lata Purshottam Rai

..... Petitioner

Mr.Rajiv Mane for the Petitioner.

CORAM : R.D. DHANUKA, J.

DATE : 27th FEBRUARY, 2019

P.C.

Delay in filing this petition if any is condoned.

2. By this Miscellaneous Petition, the petitioner prays for grant of heirship certificate under section 2 of the Bombay Regulation Act VIII of 1827. The deceased Ms.Divya Purshottam Rai died on 21st February, 2017. A copy of the death certificate is annexed to the petition.

3. In paragraph (3) of the petition, it is stated that the deceased died intestate. The said deceased died intestate leaving behind her brother Mr.Dixit Purshottam Rai. It is stated in paragraph (4) that the father of the deceased predeceased the deceased.

4. Learned counsel appearing for the petitioner tenders a consent affidavit of the brother Mr.Dixit Purshottam Rai giving his no objection for grant of heirship certificate in favour of the petitioner.

5. Learned counsel appearing for the petitioner states that except the petitioner and the said brother Mr.Dixit Purshottam Rai, there are no other legal heirs and next-of-kin of the deceased Ms.Divya Purshottam Rai. The statements made in the petition and by the learned counsel are accepted. Consent affidavit of Mr.Dixit Purshottam Rai dated 20th February, 2019 is taken on record.

6. The petitioner has made out a case for grant of heirship certificate.

7. The Office is directed to issue heirship certificate in favour of the petitioner and also Mr.Dixit Purshottam Rai being the only legal heir and next-of-kin of the said deceased Ms.Divya Purshottam Rai expeditiously.

8. The Miscellaneous Petition is disposed of in aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]