

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

MISC. PETITION IN T.& I.J. NO.173 OF 2018

Mohan Kundooli Nair	...Deceased
vs.	
Divya Kunal Lala	...Petitioner

Mr. Bhalchandra Saraf, for the Petitioner.

CORAM : R.D. DHANUKA, J.

DATE : JANUARY 22, 2019

P.C.:

. By this Miscellaneous Petition, the Petitioner who is daughter of the deceased Mohan Kundooli Nair who died on 1st September, 2008 prays for grant of heirship certificate under Section 2 of the Bombay Regulation Act VIII of 1827. The Petitioner No. 1 is the daughter and No. 2 is married daughter. A copy of the death certificate is annexed to the Petition at Exhibit A. The name and addresses of the legal heirs are disclosed in the Petition. It is stated that the deceased left behind him surviving as his only heirs and next of kins as per Hindu Succession Act, 1956 whose names are disclosed in the Petition. The parents of the deceased predeceased the deceased. Save and except the legal heirs whose names are mentioned, there are no other legal heirs left by the said deceased.

2. The consent affidavit of the legal heirs are annexed to the Petition giving their full and free consent for grant of the heirship certificate in favour of the Petitioners without service of any proclamation upon them and without justifying any surety in respect of their shares in the estate of the deceased. The said consent affidavits are taken on record. The statements made in the Petition and the affidavit are accepted. The proclamation is dispensed with. The Petitioners have made out a case for grant of relief in terms of prayer clause (a).

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

4. The office is directed to issue heirship certificate expeditiously. No order as to costs.

(R.D. DHANUKA, J.)