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

MISCELLANEOUS PETITION NO.175 OF 2018

Mrs.Sheela M. Nair	...Deceased
And	
Ms.Vidya M. Nair & Ors.	...Petitioners

Mr.B.G. Saraf for the Petitioners.

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 petitioners who are the daughters of the deceased Mrs.Sheela Mohan Nair, who died on 1st September, 2008 seek heirship certificate. A copy of the death certificate is annexed to the petition.

2. In paragraph 3 of the petition, it is stated that the deceased left behind her legal heirs as the only surviving heirs and next of kin according to the Hindu Succession Act applicable to the said deceased. The husband of the deceased predeceased the deceased.

3. Mr.B.G. Saraf, learned counsel for the petitioners tenders the consent affidavit dated 10th March, 2017 filed by Bhuvaneshwari

Menon, mother of the deceased giving her full and free consent in favour of the petitioners 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 affidavit is taken on record. The statements made by the learned counsel for the petitioners and by the petitioners in the petition are accepted. The proclamation is dispensed with.

4. The petitioners have made out a case for issuance of the legal heirship certificate.

5. The Miscellaneous Petition No.175 of 2018 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.)