

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC. PETITION NO. 13 OF 2019

Ashok Jagannath Thakur

...Petitioner.

Mr. Rohan S. with Sanjay Gawde for the Petitioner.
Mr. Sandeep Pandey for the Respondent.

CORAM : R.D.DHANUKA, J.
DATE : 06th MARCH, 2019

PC :

1. By this petition filed under section 2 of the Bombay Regulation VIII of 1827, the petitioner who is brother of the deceased Balkrishana Jagannath Thakur, who died on 25.2.2001 seeks heirship certificate. A copy of the death certificate of the said deceased is annexed to the petition.

2. The petitioner stated in Para-3 that the said deceased died intestate. In Para 4 of the petition the names of the various legal heirs of

the deceased are mentioned. The father of the deceased predeceased the deceased. The mother of the deceased died on 7.7.2002. It is stated that save and except legal heirs mentioned in the petition there are no other legal heirs left by the said deceased. The legal heirs who had expired earlier, their death certificates are annexed to the petition.

2. Pursuant to the order passed by this Court on 23.1.2019 the petitioner has issued proclamation upon Jairam Jagannath Thakur. The rest of the legal heirs whose names are mentioned in the petition have filed consent affidavits. Pursuant to the said proclamation Mr. Jairam Jagannath Thakur is present in court and is represented by his counsel. The learned counsel for Mr. Jairam Thakur submits that Manoj A. Thakur is the owner of Room No.A/3, Utkarsha Nagar, T.P.Road, Bhandup (E), Mumbai 400 078 and he is nephew of the said deceased. Mr. Gawde, learned counsel for the petitioner disputes the statement made by the learned counsel for Mr. Jairam Thakur. He submits that this Court does not decide the title in respect of Room No. A/3, Utkarsha Nagar, T.P. Road, Bhandup (E)., Mumbai 78. In my view the title dispute if any in respect of the said room will have to be decided

in appropriate proceedings which can be filed by the present petitioner claiming title of the said property. The learned counsel for the petitioner dispute that Mr. Jairam Thakur is one of the legal heir and next kin of the deceased .

3. The statements made in the petition are accepted The petitioner has made out a case for issuance of the legal heirship certificate.

4. The petition is accordingly made absolute in terms of prayer clause (a) of the petition. Office is directed to issue legal heirship certificate expeditiously. There shall be no order as to costs.

(R.D. DHANUKA, J.)