

vai

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

MISCELLANEOUS PETITION NO.22 OF 2019

Dattatray B. Yedurkar ...Deceased

Suresh D. Yedurkar ...Petitioner

Mr.Vijay Kokitkar for the Petitioner.

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

P.C. :-

1. 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 Dattatray @ Dattatraya Yedurkar seeks heirship certificate. The said deceased died on 1st January, 2011. A copy of his death certificate is annexed with the petition.

2. In paragraph 3 of the petition, it is stated that the said deceased died intestate. In paragraph 4, the names of the legal heirs and next of kin of the said deceased as per the provisions of the Hindu Succession Act, 1956 are disclosed. It is however, stated that the widow of the said deceased died on 26th May, 2015. It is stated that save and except the names mentioned in paragraph 4 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.

3. The petitioner has filed the consent affidavit of the legal heirs and next of kin whose names are mentioned at serial nos.2 to 6 giving their free and fair consent for grant of heirship certificate in favour of the petitioner and other respondents without service of any proclamation / citation or any notice and without justifying the security. The consent affidavits are taken on record. The statements made in the said affidavits and in the petition are accepted. The proclamation is dispensed with.

4. The petitioner has made out a case for issuance of heirship certificate as prayed.

5. The miscellaneous petition is made absolute in terms of prayer clauses (a) and (b). The office is directed to issue heirship certificate to the petitioner expeditiously.

6. There shall be no order as to costs.

(R.D. DHANUKA, J.)