

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

MISC.PETITION IN T.& I.J. NO.165 OF 2018

Nitin Ratilal Dhakan	...Deceased
vs.	
Seema Nitin Dhakan	...Petitioner

Ms. Drasti Jani a/w. Ms. M. Sanghavi I/b. Solicis Lex, for the
Petitioner.

CORAM : R.D. DHANUKA, J.

DATE : JANUARY 22, 2019

P.C.:

. By this Miscellaneous Petition, the Petitioner who is widow of the deceased Nitin Ratilal Dhakan who died on 26th April, 2012 prays for grant of heirship certificate under Section 2 of the Bombay Regulation Act VIII of 1827. A copy of the death certificate is annexed to the Petition at Exhibit A. The names of the legal heirs are disclosed in paragraph 4 of the Petition. It is stated that the deceased left behind his widow, son Karan and daughter Aditi surviving as his only heirs and next of kins as per Hindu Succession Act, 1956 whose names are disclosed in the paragraph 4 of the Petition. The parents of the deceased predeceased the deceased. Save and except the legal heirs whose names are mentioned in paragraph 3, there are no other legal heirs left by the said deceased.

2. The consent affidavit of the legal heirs are annexed to the Petition at page Nos. 38 to 41 giving their full and free consent for grant of the heirship certificate in favour of the Petitioner 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 Petitioner has 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.)