

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

MISC.PETITION NO.139 OF 2018

Vaishali Shrikrishna Khobrekar

@ Vaishali S. Khobrekar

And

Shrikrishna Budhaji Khobrekar

@ Shrikrishna B. Khobrekar @

Shrikrushna Budhaji Khobrekar

...Deceased

vs.

Ravindra Budhaji Khobrekar

...Petitioner

Mr. Prakash Tiwari, for the Petitioner.

CORAM : R.D. DHANUKA, J.

DATE : JANUARY 22, 2019

P.C.:

. By this Miscellaneous Petition, the Petitioner who is brother in law of the deceased Vaishali Shrikrishna Khobrekar and deceased Shrikrishna Budhaji Khobrekar who died on 6th July, 2016 prays for grant of heirship certificate under Section 2 of the Bombay Regulation Act VIII of 1827. The copies of the death certificates are annexed to the Petition at Exhibits A and B to the Petition.

2. The names of the legal heirs of the deceased Vaishali Shrikrishna Khobrekar are disclosed in the Petition in paragraph

5. It is stated that the deceased left behind his surviving as her 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.

3. The names of the legal heirs of the deceased Shrikrishna Budhaji Khobrekar are disclosed in the Petition in paragraph 6. It is stated that the deceased left behind his surviving as her 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.

4. The deceased died issue less. The said deceased have only brother in law i.e. the Petitioner herein. Pursuant to the order passed by this Court on 28th November, 2018 the proclamation is issued and has been filed with the affidavit of service. The Petitioner has been already granted the succession certificate by

this Court in respect of the said deceased. Statement is accepted. No objection is received in response to the proclamation affixed by the Petitioner.

5. 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 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 Petitioners have made out a case for grant of relief in terms of prayer clause (A).

6. The Miscellaneous Petition is made absolute in terms of prayer clause (A).

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

(R.D. DHANUKA, J.)