

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

MISC.PETITION IN T.& I.J. NO.171 OF 2018

Kavunkal Varghese Mathai	...Deceased
vs.	
Alice Mathai and Ors.	...Petitioners

Mr. Sandeep Phangar a/w. Mr. Kinjal Upadhay and Mr. Jayesh Vyas, for the Petitioners.

CORAM : R.D. DHANUKA, J.

DATE : JANUARY 22, 2019

P.C.:

. By this Miscellaneous Petition, the Petitioners who are legal heirs of deceased Kavunkal Varghese Mathai who died on 9th November, 2003 prays for grant of heirship certificate under Section 2 of the Bombay Regulation Act VIII of 1827. The Petitioner No. 1 is wife, No. 2 is the son and No. 3 is married daughter of the deceased. A copy of the death certificate is annexed to the Petition at Exhibit A. The names of the legal heirs are disclosed in the Petition. It is stated that the deceased left behind his surviving as his 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.

2. The consent joint affidavit of the legal heirs are annexed to the Petition at page 22 to 24 giving their full and free consent for grant of the heirship certificate in favour of the Petitioners 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 Petitioners have 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.)