

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY & INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 157 OF 2018

Asha Ramchandra Gadigaonkar
alias Asha Ramchandra Ghadigaokar Deceased

Santosh Shankar Ghadigaonkar Petitioner

Mr.Prabhu Velar for the Petitioner.

CORAM : R.D. DHANUKA, J.

DATE : 27th FEBRUARY, 2019

P.C.

By this Miscellaneous Petition, the petitioner who is cousin brother of the deceased prays for grant of heirship certificate under section 2 of the Bombay Regulation Act VIII of 1827. The deceased Ms. Asha Ramchandra Gadigaonkar alias Asha Ramchandra Ghadigaonkar died on 18th April, 2003. A copy of the death certificate is annexed to the petition. It is stated in the petition that the deceased died intestate. The names of the legal heirs and next-of-kin are disclosed in paragraph (4) of the petition. It is stated that the deceased left behind her surviving as her only heirs and next-of-kin 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. The deceased died as spinster.

2. Pursuant to the order passed by this court on 22nd December, 2018, the petitioner has issued proclamation. The affidavit of affixation of proclamation dated 11th January, 2019 is already filed.

3. The petitioner has also filed consent affidavits of the other legal heirs which are annexed, all dated 20th October, 2018 giving their full and free consent for grant of the heirship certificate in favour of the petitioner without service of any proclamation/citation/notice 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 affidavit are accepted. The petitioner has made out a case for issuance of heirship certificate as prayed. Delay if any, in filing petition is condoned.

4. The Miscellaneous Petition is made absolute in terms of prayer clauses (A) and (B).

5. The Office is directed to issue heirship certificate expeditiously. No order as to costs.

[R.D. DHANUKA, J.]