

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY & INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 25 OF 2019

Mashulal H. Khemani
@ Maheshilal Khemani @ Masulal **Deceased**

Surendra M. Khemani **Petitioner**

Ms.Anita Vasani, i/b. Mr.Omprakash Pandey for the Petitioner.

CORAM : R.D. DHANUKA, J.

DATE : 27th FEBRUARY, 2019

P.C.

By this Miscellaneous Petition, the petitioner who is son of the deceased prays for grant of heirship certificate under section 2 of the Bombay Regulation Act VIII of 1827. The deceased Mr.Mashulal H. Khemani @ Maheshilal Khemani @ Masulal died on 17th June, 1976. 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 him surviving as his only heirs and next-of-kin as per Hindu Succession Act, 1956 whose names are disclosed at serial nos.1, 2, 5A, 5B, 5C, 6A and 6B in the paragraph (4) of the petition. The parties whose names are disclosed at serial nos. 5 and 6 are already expired. The wife and parents of the deceased predeceased the deceased.

2. Learned counsel appearing for the petitioner tenders consent affidavit of Smt.Meena Devi Pittie whose name is at serial no.3

affirmed on 18th February, 2019 being the married daughter of the said deceased giving her full and free consent for grant of the heirship certificate in favour of the petitioner without service of any proclamation upon her and without justifying any surety in respect of her shares in the estate of the deceased. The remaining legal heirs have also filed similar consent affidavits which are annexed to the petition. All consent affidavits are taken on record. The statements made in the consent affidavits are accepted. The petitioner has made out a case for issuance of heirship certificate as prayed.

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.]