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

MISCELLANEOUS PETITION NO.42 OF 2019

Mrs.Shanti K. Bathija	...Deceased
And	
Krishna M. Bathija	...Petitioner

None for for the Petitioner.

CORAM : R.D. DHANUKA, J.
DATE : 5TH MARCH, 2019.

P.C. :-

1. By this petition filed under section 2 of the Bombay Regulation VIII of 1827, the petitioner who is the husband of the deceased Mrs.Shanti K. Bathija, who died on 7th September, 2017 seeks heirship certificate. A copy of the death certificate of the deceased is annexed to the petition.

2. In paragraph 3 of the petition, it is averred that the said deceased died intestate. In paragraph 4 of the petition, the names of the legal heirs and next of kin of the said deceased are disclosed. The father and mother of the said deceased predeceased the deceased.

3. The petitioner has annexed the consent affidavit of Sanjay Krishna Bathija and Pooja Vinod Harisinghani both dated 29th

December, 2018 giving their full and free consent in favour of the petitioner for grant of legal heirship certificate without service of any citation / notice upon them without any surety being justified for their share left by the said deceased. The consent affidavits are taken on record. The statements made by the petitioner in the petition are accepted. The proclamation is dispensed with.

4. The petitioner has made out a case for issuance of the legal heirship certificate.

5. The Miscellaneous Petition No.42 of 2019 is made absolute in terms of prayer clause (a).

6. The office is directed to issue heirship certificate expeditiously. There shall be no order as to costs.

(R.D. DHANUKA, J.)