

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

MISC. PETITION NO. 36 OF 2019

Abdul Gani Mohd.Alam Chaudhari ...Deceased.

Saidunnisha Abdul Gani Khan and anr. ...Petitioners.

Adv. Madhuri Bandgar for Aashish Verma for the Petitioner.

CORAM : R.D.DHANUKA, J.
DATE : 06th MARCH, 2019

PC :

1. By this petition filed under section 2 of the Bombay Regulation VIII of 1827, the petitioner No.1 who is widow of the deceased Abdul Gani Mohd.Alam Chaudhari and Petitioner No.2 who is son of the said deceased have applied for legal heirship certificate. The said deceased died on 13.7.2014. A copy of the death certificate is annexed to the petition. It is stated in the petition that the said deceased died intestate. In Para 4 of the petition the names of all the legal heirs of the said deceased are disclosed. It is stated that the parents and grand parents

of the deceased pre deceased the deceased. Save and except the names of the legal heirs mentioned in para 4 there are no other legal heirs of the said deceased. The petitioners have filed consent affidavits of legal heirs of Sr.No.3 to 5 giving their full and free consent for grant of heirship certificate as prayed without any notice and without justifying surety in respect of their respective shares. The consent affidavits are taken on record. Proclamation is dispensed with.

3. The statements made in the petition are accepted. The petitioner has made out a case of issuance of the legal heirship certificate.

4. The petition is accordingly made absolute in terms of prayer clause (a) of the petition. Office is directed to issue legal heirship certificate expeditiously. There shall be no order as to costs.

(R.D. DHANUKA, J.)