

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 15 OF 2021**

Falguni Anup Kamkhaliya alias Kamkhalia ...Petitioner
And
Anup Sudhir Kamkhaliya alias Anup Sudhir ...Deceased
Kamkhalia

Mr Prabhu Velar, *for the Petitioner.*

CORAM: G.S. PATEL, J
DATED: 9th February 2021

PC:-

1. Accepted. Proclamation is dispensed with.
2. The Petition is for an heirship certificate under Section 2 of Bombay Regulation VIII of 1827 by the widow of one Anup Sudhir Kamkhaliya, alias Anup Sudhir Kamkhalia. Anup died intestate in Mumbai, where he was ordinarily resident, on 4th October 2016. A copy of his death certificate is annexed.
3. No Will has been found.
4. Anup was survived by his widow, Falguni, mother Surekha, and two minor children, a son Vihaan, aged seven years, and a daughter, Anika, who is three years old. The Consent Affidavit of

Atul G.
Kulkarni

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by Atul G.
Kulkarni
Date: 2021.02.15
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the two minors, Vihaan and Anika, has been filed through Falguni in her capacity as their mother and natural guardian. The names of all the heirs are mentioned in the tabulation below paragraph 4 of the petition.

5. The Legal Heirship Certificate is required for presentation to the authorities in Valsad, Gujarat, and elsewhere to complete the legal formalities following Anup's demise.

6. Apparently, there was some litigation in which Anup was involved. This includes Special Civil Suit No. 97 of 2018 before the Civil Judge Senior Division, Umbergaon in respect of some land dispute. The Legal Heirship Certificate is also required to apply for the necessary amendments in that Suit, and in the ensuing Section 96 First Appeal No. 7229 of 2020.

7. There seems to be a delay of 396 days in filing the petition. That delay is condoned.

8. No other Petition for a Heirship Certificate, Succession Certificate, Probate, or Letters of Administration with or without Will annexed has been filed. There is no impediment to the grant of relief.

9. The petition is made absolute in terms of prayer clauses (a) and (b).

10. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production of a digitally signed copy of this order.

(G. S. PATEL, J)

Note: This order is modified as per order dated 12th February 2021 to show the corrections in the cause title. These are shown by underlining.