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

MISCELLANEOUS PETITION NO.152 OF 2021

Shankari Subramanyam

...Deceased

*Versus*

Ravi Subramanyam Shanker

...Petitioner

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Mr. B.G. Saraf, for the Petitioner.  
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CORAM : R.I. CHAGLA J

DATE : 25 October 2021

ORDER :

1. Heard learned Advocate for the Petitioner.
2. By this Miscellaneous Petition, the Petitioner is seeking grant of heirship certificate certifying that the Petitioner viz. Ravi Subramanyam Shanker being son and Sunder Krishnan being grand-son to be declared as the legal heirs and legal representatives of the deceased Late Shankari Subramanyam, widow of late Dr. N.S. Subramanyam under the provision of the Bombay Regulation Act VIII of 1827.

3. The Petitioner has sought in paragraph 4 of the Petition that, the deceased who expired at Mumbai on 21st February, 2000 had left behind her only the heirs and next of kin as per the Hindu Succession Act, 1956 mentioned in the chart at paragraph 4. This includes the Petitioner, the son of the deceased and the deceased married daughter Smt. Meera Krishnan, who expired was survived by her son, the grandson of the deceased Mr. Sundar Krishnan whose name is also appearing in the said chart. The parents of the deceased, pre-deceased the deceased.

4. The Petitioner at paragraph 7 of the Petition has stated that, he has sought for legal heirship certificate for claiming transfer of immovable properties described in the said paragraph which property is at Coimbatore. The Petitioner along with the only other heir of the deceased Mr. Sundar Krishnan are the only persons claiming transfer of the immovable property by virtue of which heirship certificate is required to be granted.

5. The only other heir of the deceased Mr. Sundar Krishnan has filed his consent Affidavit dated 23rd July, 2021

by which he has given his full and free consent for the heirship certificate be issued in favour of the Petitioner without service of any citation / notice / proclamation upon him.

6. In view of what has been stated in the Petition, there is no impediment to the grant of heirship certificate to the Petitioner and accordingly the Petition is allowed in terms of prayer clause (a), which reads thus:-

*“(a) That this Honorable Court be pleased to grant of heirship certificate certifying that the Petitioner viz. Ravi Subramanyam Shanker being son and Sunder Krishnan being grand-son to be declared as the legal heirs and legal representatives of the deceased Late Shankari Subramanyam widow of late Dr. N.S. Subramanyam under the provision of the Bombay Regulation Act VIII of 1827.”*

7. Proclamation is dispensed with.

8. The Miscellaneous Petition is accordingly disposed of in the above terms.

[R.I. CHAGLA J.]