

and except these Legal Heirs, there are no other legal heirs surviving the deceased.

2 It is stated in paragraph 9 of the Petition that Legal Heirship Certificate is required by the Petitioner to be produced before the Society mentioned therein for transferring the flat described along with the share certificate issued by the Society in the name of the legal heirs of the deceased. Further Legal Heirship Certificate is required to be presented before the concerned Land Revenue Authorities in the State of Gujarat, in order to delete the name of the deceased and mutating the names of the legal heirs of the deceased in respect of land situated in the State of Gujarat described in paragraph 9 of the Petition.

3 The other legal heirs of the deceased have filed their consent affidavits wherein they have given their full and free consent for issuance of Legal Heirship Certificate in favour of the Petitioner without serving proclamation upon them and without justifying their share in the property left by the deceased.

4 No other Petition for legal heirship certificate, succession certificate, probate or letters of administration with or without will annexed has been filed. Therefore, I do not find any impediment in granting the relief sought for in the present Petition.

5 The Petition is accepted and made absolute in terms of prayer
clause (a), which reads thus:-

“(a) *“That a Legal Heirship Certificate be issued under the provision of Bombay Regulation Act VIII of 1827, certifying that (1) Shashikant Dahyabhai Kantharia (the son of the deceased and Petitioner herein), (2) Kusum Dinesh Patel (the Daughter of the deceased), (3) Jayesh Dahyabhai Kantharia (the Son of the Deceased), (4) Madhuben Dahyabhai Kantharia (the Daughter of the deceased), (5) Tejal Bhavesh Kantharia (the Daughter-in-Law of the deceased) and (6) Karan Bhavesh Kantharia (the Minor Grand Son of the deceased) are the only heirs and Legal representatives of the deceased.”*

6 Proclamation is dispensed with.

7 Miscellaneous Petition is accordingly disposed of. No order as
to costs.

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by WAISHALI
SUSHIL
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(R.I. CHAGLA, J.)