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

MISCELLANEOUS PETITION NO.139 OF 2022

Dhruv Jigar Thakkar

...Petitioner

Versus

Pravin Nathalal Thakkar Dattani

...Deceased

Mr. B.G. Saraf, for the Petitioner.

CORAM : R.I. CHAGLA J.

DATE : 27TH JUNE, 2022

ORDER :

1. By the present Petition, the Petitioner seeks a Legal Heirship Certificate under Section 2 of the Bombay Regulation Act VIII of 1827 in respect of the deceased Pravin Nathalal Thakkar Dattani who expired at Mumbai on 5th October, 2020. A copy of the death certificate is also annexed at Exhibit A to the Petition. The deceased was survived by legal heirs and next of kins. The particulars of which are mentioned in tabular form at paragraph 3. Save and except the legal heirs mentioned in the tabular form at paragraph 3, the deceased left no other legal heirs and next of kins.

2. It is stated in Paragraph 7 of the Petition that, the Legal Heirship Certificate is required for transmission of the properties mentioned in paragraph 7 in favour of the Petitioner along with other other heirs of the deceased.

3. The other legal heirs of the deceased filed Consent Affidavits giving their full and free consent for the Legal Heirship Certificate be granted to the Petitioner without service of proclamation of the above proceedings upon them and justifying the surety in the estate of the deceased. The Consent Affidavits are dated 3rd June, 2022.

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 reliefs sought for in the present Petition.

5. In the circumstances, the Miscellaneous Petition is accepted and made absolute in terms of prayer Clause (a), which reads as under:

“(a) That this Hon’ble Court be pleased to grant to the Heirship Certificate certifying that the Petitioner Dhruv Jigar Thakkar being grand son along with Pratima Pravin Thakkar Dattani being widow, Bijal Jigar Thakkar being daughter in law, Shyam Jigar Thakkar being grand son, Vishal Pravin Thakkar being son and Manasvi Punit Thakkar being married daughter to the declared as the legal heirs and legal representatives of the deceased Late Pravin Nathalal Thakkar Dattani under the provision of the Bombay Regulation Act VIII of 1827”

6. Proclamation is dispensed with.
7. Miscellaneous Petition is accordingly disposed of. No order as to costs.
8. The Testamentary Department shall expedite the issuance of the Legal Heirship Certificate.

[R.I. CHAGLA J.]