

MISCELLANEOUS PETITION NO. 16 OF 2022

And

Mr. Nitin R. Gandhi for the Petitioner.

DATED : 17th NOVEMBER, 2022.

ORDER :

1 By the present Petition, the Petitioner seeks a Legal Heirship Certificate under Section 2 of Bombay Regulation Act VIII of 1827 in respect of the deceased Dr. Shalinee Dattaram Sabnis who expired at Mumbai on 04.10.2020. A copy of the death certificate is at Exhibit-A to the Petition.

2 The deceased was survived by the Petitioner, who is the sister
of the deceased as well as by the widow of the deceased and two married
daughters of the deceased. The particulars of the surviving legal heirs of
the deceased are mentioned in the tabular form at paragraph 3 of the

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

3 It is stated in the Petition that the Legal Heirship Certificate is required in respect of the Fixed Deposit Receipts with Saraswat Co-operative Bank Ltd., Worli Branch, which was standing in the name of the deceased at the time of her death and the particulars of which have been mentioned in the Schedule at Exhibit-E to the Petition. The Saraswat Bank has called upon the Petitioner to provide the Legal Heirship Certificate for claiming the amounts standing in the name of the deceased with their Branch.

4 The other legal heirs of the deceased have filed their Consent Affidavits giving their full and free consent to the Legal Heirship Certificate to be granted in favour of the deceased without service of the notice upon them.

5 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.

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

“(a) *“This Hon’ble Court be pleased to issue Legal Heirship Certificate to the Petitioner under the provision of Bombay Regulation VIII of 1827 certifying that the Petitioner along with the heirs mentioned in paragraph No.3 above are the only heirs and legal representatives of the said deceased entitled to claim the amount mentioned in Schedule Exhibit”E” hereto.”*

7 Proclamation dispensed with.

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

(R.I. CHAGLA, J.)