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

MISCELLANEOUS PETITION NO.71 OF 2022

Shirish Girish Dikshit

...Petitioner

Versus

Girish Chandrakant Dikshit @ Girish C. Dikshit ...Deceased

Ms. Veenu Khatri, for the Petitioner.

CORAM : R.I. CHAGLA J.

DATE : 22ND JULY, 2022

ORDER :

1. By this present Petition, the Petitioner seeks Legal Heirship Certificate under Section 2 of the Bombay Regulation Act, VIII of 1827 in respect of the deceased Girish Chandrakant Dikshit who expired on 13th May, 2017. A copy of the death certificate is annexed at Exhibit A to the Petition. The Petitioner is son of the deceased and the other legal heirs of the deceased are the widow of the deceased, one son, one unmarried daughter and one married daughter of the deceased. The particulars of the legal heirs of the deceased are mentioned in the tabular form at paragraph 5 of the

Petition. Save and except the legal heirs mentioned in paragraph 5 of the Petition, there are no other legal heirs surviving the deceased.

2. It is stated in paragraph 7 of the Petition that, the Legal Heirship Certificate is required for furnishing the same to the purchasers to whom they have agreed to sell the properties of the deceased in order to cater to their financial needs.

3. The other legal heirs of the deceased have filed their Consent Affidavits giving their full and free consent in favour of the Petitioner without service of any citation / notice upon them and without any surety being justified for their share in the estate left by the deceased.

4. The widow of the deceased has affirmed the Consent Affidavit by putting her thumb impression which Affidavit has been duly notarised. An Affidavit dated 11th March, 2022 of the notary officer is tendered and take on record. It is stated in the said Affidavit that the widow of the deceased Malan Girish Dikshit had been read over the said Consent Affidavit upon it being interpreted to her in Hindi language. After fully knowing the contents of the said Affidavit,

Malan Girish Dikshit had put her left thumb impression on her Consent Affidavit before the deponent of the said Affidavit.

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 reliefs sought for in the present Petition

6. The Petition is accepted and allowed in terms of prayer clause (a) which reads thus:-

“(a) This Hon’ble Court be pleased to issue a Legal Heirship Certificate to the Petitioner under the provision of Bombay Regulation VIII of 1827 certifying that the Petitioner along with the heirs mentioned above in Paragraph 5 are the only heirs and legal representatives of the said deceased.”

7. Proclamation is dispensed with.

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

[R.I. CHAGLA J.]