

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

MISCELLANEOUS PETITION NO. 391 OF 2023

(This order is corrected as per order dated 28th November, 2023)

Jaya Manu Solanki

...Deceased

Rajesh Manu Solanki

...Petitioner

* * *

- Ms. Sujata Babar, for Petitioner.

* * *

CORAM : MANISH PITALE, J.

DATE : 06th NOVEMBER, 2023.

P. C. :

1. Heard learned Counsel for the Petitioner.
2. This petition is filed under the provisions of the Bombay Regulation Act, VIII of 1827, for issuance of legal heir-ship certificate in favour of the Petitioner.
3. The deceased was the mother of the Petitioner, who died on 09th January, 2022. Copy of her death certificate is annexed to the petition.
4. It is stated that the deceased at the time of her death had a fixed place of abode at 904/B, 6, Co., Hsg. Society, Dr. Ambedkar Nagar, S.K. Rathod Marg, Mahalaxmi, Mumbai - 400 034 and left property within Greater Bombay and in the State of Maharashtra.
5. It is further stated that the deceased died instate, without leaving any Testamentary Writing or Will.

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6. It is further stated that the deceased is survived by her legal heirs stated in paragraph no. 5 of the petition. This includes two sons and one married daughter. The Petitioner is one of the sons of the deceased.

7. The husband of the deceased (father of the Petitioner) predeceased the deceased. He died on 02nd May, 2004. Copy of the death certificate is also annexed to the petition.

8. It is submitted that the deceased at the time of her death was working on the post of Safaiwali with the Central Railway at Mumbai. The legal heir-ship certificate is required for the Petitioner to apply for compassionate appointment, as also service dues of the deceased.

9. It is submitted that the other legal heirs i.e. Brother and Sister of the Petitioner have given their consent affidavits. They are annexed at page nos. 28 to 34 to the petition.

10. This Court has perused the material on record. In the light of the Consent affidavits specifically given by the brother and sister of the Petitioner, the petition is accepted and proclamation is dispensed with.

11. In the interest of justice, the petition is allowed in terms of prayer clause (a), which reads as follows :

“(a) That Legal Heirship Certificate be issued Certifying that the Petitioner, his brother and married sister are the only Heirs and Legal Representatives of the Deceased under the provision of Bombay Regulation Act VIII of 1827;”

12. The department to proceed further in the matter expeditiously.

(MANISH PITALE, J.)