

Ajay

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

TESTAMENTARY PETITION NO. 2686 OF 2019

Chandrabhan Rupchand Dakle .. Deceased

Rajesh Surajmal Dakle .. Petitioner

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• Ms. Seema S. Hunnurkar, Advocate for Petitioner.

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CORAM : MILIND N. JADHAV, J.

DATE : JULY 31, 2023.

P.C.:

- 1.** Heard Ms. Hunnurkar, learned Advocate for Petitioner.
- 2.** This Petition is filed by the Petitioner for seeking issuance of grant. One of the office requisition raised by the Department is to the effect that the deceased Chandrabhan Rupchand Dakle is survived by six legal heirs wherein three of the legal heirs namely; (i) Nandkumar Amolchand Bafna, (i) Vikas Amolchand Bafna and (iii) Jyoti Dilip Sanghavi have filed their Consent Affidavits in favour of the Petitioner i.e. Rajesh Surajmal Dakle whereas three other legal heirs namely; (i) Ujwal Amolchand Bafna, (ii) Ajay Amolchand Bafna and (iii) Archana Jitendra Bhalgat have not filed their Consent Affidavit, but have filed consent through their constituted Power of Attorney namely Vikas Amolchand Bafna separately.
- 3.** It is seen that the deceased is survived seven legal heirs including the Petitioner. The grant is for seeking a succession

certificate to the estate of the deceased.

4. Ms. Hunnurkar would submit that Vikas Bafna is the constituted Power of Attorney of Ujwal, Ajay and Archana. She would submit that Vikas Bafna has filed his registered Power of Attorney which was executed by Ujwal, Ajay and Archana in his favour on record.

5. Department is directed to take cognizance of the same and compare the original Power of Attorney and if it is in order accept it as adequate compliance in so far as consents of Ujwal, Ajay and Archana Bafna are concerned. Thereafter, Department is directed to proceed in accordance with law subject to all compliances to issue the succession certificate to the Petitioner.

6. Considering that the present Petition was filed in the year 2009 and substantial time has lapsed and at the request of Ms. Hunnurkar, Department is directed to issue the grant within a period six weeks from today subject to all other compliances.

7. With the above directions, Testamentary Petition is disposed.

[MILIND N. JADHAV, J.]

Ajay

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