

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

MISCELLANEOUS PETITION NO. 375 OF 2023

Champalal Kundanmal Shah alias
Champalal Kundanmal Jain alias
Champalal Kundanmal Dhoka ...Deceased

Prateek Champalal Jain alias
Prateek Champalal Dhoka & Anr. ...Petitioners

* * *

- Mr. Bishwajeet Mukherjee a/w Ms. Humera Syed, for Petitioners.

* * *

CORAM : MANISH PITALE, J.

DATE : 27th FEBRUARY, 2024.

P. C. :

1. Heard learned counsel for the petitioners.
2. By this petition filed under the provisions of Bombay Regulation VIII of 1827, the petitioners are seeking issuance of legal heirship certificate in their favour as the legal heirs of the deceased.
3. The petitioners are the sons of the deceased. He passed away on 12th March, 2015. Copy of the death certificate is annexed to the petition.
4. It is stated that the deceased at the time of his death had a fixed place of abode at Rajyog Building, Behind City Centre, Goregaon (West), Mumbai – 400104. It is further stated that the deceased died intestate without leaving behind any testamentary writing or Will.
5. In paragraph No. 4 of the petition, the petitioners have

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stated that the deceased is survived by two sons (petitioners) and one married daughter. It is further stated that the wife of the deceased died on 06th April, 2015. Copy of her death certificate is also annexed to the petition.

6. Consent Affidavit of the sister of the petitioners i.e. Mamta Sanam Siroya is placed on record. She has specifically stated on affidavit that she gives her full and free consent for issuance of legal heirship certificate in favour of the petitioners without service of citation upon her and without surety being justified for her share in the estate of the deceased.

7. In the light of the Consent Affidavit specifically sworn by the sister of the petitioners, this Court is inclined to allow the present petition without issuance of proclamation.

8. In view of the above, the petition is accepted and proclamation is dispensed with.

9. The petition is allowed in terms of prayer clause (a), which reads as follows :

“(a) That this Hon’ble Court be pleased to issue a Legal Heirship Certificate to the Petitioners under the provisions of Bombay Regulation Act, VIII of 1827, certifying that the Petitioners are the only legal heirs and representatives of the Late Champalal

*Kundanmal Jain alias Champalal Kundanmal Shah
alias Champalal Kundanmal Dhoka.”*

(MANISH PITALE, J.)