

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

MISCELLANEOUS PETITION NO. 13 OF 2024

Shri Waman Sitaram Gorule ... Petitioner

Sitaram Dhaku Gorule ... Deceased

Mr. Sanjay P. Palankar for the Petitioner.

**CORAM: MANISH PITALE, J.
DATE : 17th APRIL 2024**

P.C. :

. Heard learned counsel for the petitioner.

2. By this petition, the petitioner seeks issuance of legal heirship certificate in his favour, as the legal heir of the deceased.

3. The petitioner is the son of the deceased, who died on 22nd August 2005. Copy of his death certificate is annexed at Exhibit 'A' to the petition. It is stated that at the time of his death, the deceased was residing at Chawl No.A-15, Room No.5, S.P. Road, Deonar Municipal Colony, Govandi, Mumbai 400043. It is further stated that the deceased died intestate, without leaving behind any testamentary writing or Will.

4. In paragraph 4 of the petition, the petitioner has given the details of surviving legal heirs of the deceased, which include the

petitioner (son), a daughter and grand daughters and grand sons of the deceased.

5. It is submitted that all the legal heirs other than the petitioner have given consent affidavits.

6. Perhaps this aspect was not brought to the notice of the Court when it was directed that proclamation shall be issued.

7. Be that as it may, this Court has perused an affidavit dated 26th February 2021 of legal heir Supriya Balkrishna Kulaye i.e. sister of the petitioner, stating that she has no objection and that she is giving her full and free consent for the legal heirship certificate being issued in the name of the petitioner.

8. The other legal heirs of the deceased stated in paragraph 4 of the petition have sworn a joint consent affidavit dated 27th December 2020, which is also placed on record along with the petition. All the aforesaid legal heirs have signed the said affidavit and they have jointly given their full and free consent for the legal heirship certificate to be issued in the name of the petitioner. This Court has perused the said consent affidavit.

9. In view of the material placed on record, the petition is accepted, without the necessity of service of proclamation.

10. In view of the above, the petition is allowed in terms of prayer clause (a), which reads as follows :

“(a) That this Hon’ble Court be pleased to grant Legal Heirship Certificate to the Petitioner certifying that the Petitioner is recognized legal heir/legal representative and next of the kin of the Deceased Sitaram Dhaku Gorule.”

MANISH PITALE, J.