

Amberkar

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

MISC. PETITION NO. 683 OF 2025

Chimanlal Chunilal Shah .. Deceased

Dr. Bindu Praful Jarmarwala .. Petitioner

INTERIM APPLICATION (L) NO. 29778 OF 2025

IN

MISC. PETITION NO. 683 OF 2025

Raksha Chimanlal Shah .. Applicant

Chimanlal Chunilal Shah .. Deceased

Dr. Bindu Praful Jarmarwala .. Petitioner

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- Mr. Mayur Vinod Faria a/w Mr. Harshal Hasmukh Savla, Advocates for Applicant
- Mr. Sandesh Kamble, Advocate for Petitioner

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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 19, 2025

P. C.:

1. Heard Mr. Faria, learned Advocate for Applicant and Mr. Kamble, learned Advocate for Petitioner.

Interim Application (L) No. 29778 of 2025 :

2. This Interim Application is not on board. It is taken up for hearing by consent of the parties in Court.

2.1. Present Interim Application is filed by the other legal heirs placing on record certain other properties which were not to the knowledge of Petitioner. In view of the averments made therein, Interim Application is allowed in terms of prayer clause (a). Petitioner shall carry out amendment as per the schedule of amendment for addition of the properties which were not to his knowledge in the Petition. Amendment is permitted to be carried out within a period of one week from today. Re-verification stands dispensed with.

2.2. Interim Application is allowed and disposed.

Misc. Petition No. 683 of 2025:-

3. If the above order passed in Interim Application is complied with as directed by the Court within a period of one week from today and amendment is carried out accordingly in the present Misc. Petition subject thereto following order is passed in Misc. Petition No. 683 of 2025:-

4. Mr. Faria appears for the only non-consenting party. Today he comes before the Court to file consent affidavit of the said non-consenting legal heir. Mr. Kamble would submit that as share in the property is not disputed by Mr. Faria, consent is not required. In view thereof, consent of Mr. Faria's client is dispensed with. His statement of consent is recorded and noted.

5. Mr. Kamble would submit that consent affidavit of other legal heirs is filed separately in the Department. He would submit that the position is undisputed with respect to 1/3rd share of the three legal heirs before the Court including Mr. Faria's client. Hence there can be no impediment in allowing the Petition.

6. I have perused the averments in the Petition. I have recorded the consent of Mr. Faria who is present in Court. Considering the averments made in the Petition and for the reasons for which the grant is required, Misc. Petition is allowed and disposed of in terms of prayer clauses (a) which read thus:-

"a. That the legal Heirship Certificate thereby certifying the Petitioner i.e. Dr. Bindu Praful Jarmarwala, Smita M. Shah and Raksha C. Shah and be recognized legal heir and representatives of the deceased be granted to the Petitioners."

7. Issuance of proclamation stands dispensed with.

8. Department is directed to issue the legal heirship certificate as directed above within a period of 3 weeks after amendment granted above is carried out in the Misc. Petition.

9. Misc. Petition is allowed and disposed subject to compliance of all office objections, if any, forthwith which shall be allowed by the Department.

10. Misc. Petition No. 683 of 2025 is allowed and disposed.

[MILIND N. JADHAV, J.]