

Ajay

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

MISCELLANEOUS PETITION NO.642 OF 2025

Gajabhai Gandabhai Kanjiya .. Deceased

Naresh Gajabhai Kanjiya and Ors. .. Petitioners

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- Mr. Rajeev Jadhav i/by Mr. Shivaji Nirmale. Advocates for Petitioners.

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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 12, 2025.

P.C.:

- 1.** Heard Mr. Jadhav, learned Advocate for Petitioner.
- 2.** Present Misc. Petition is filed by Petitioner for issuance of legal heirship certificate under Section 2 of Bombay Regulation VIII of 1827 in respect of the properties and credits of deceased Gajabhai Gandabhai Kanjiya. The names and details of legal heirs of the deceased are stated in paragraph No.5 of the Petition. Purpose for filing the present Petition is stated in paragraph No.11 of the Petition. I have perused the same.
- 3.** There are five legal heirs of the deceased out of which wife predeceased the deceased and other four legal heirs of the deceased are Petitioners to the Petition.

4. In view of the above, there can be no impediment in allowing the Petition. Misc. Petition is allowed and disposed of in terms of prayer clauses 'a', 'b' and 'c' which read thus:-

- "a) That this Honble Court be pleased to declare that the (1) Mr. Naresh Gajabhai Kanjiya, (2) Mr. Nirmal Gajabhai Kanjiya (3) Vikram Gajabhai Kanjiya and (4) Gautam Gajabhai Kanjiya are the only heirs and legal representatives of Late Gajabhai Gandabhai Kanjiya under the provisions of Bombay Regulation VIII of 1827.*
- b) That this Honble Court be pleased to direct the The Manager of Canara Bank, Caranzalem Branch, Goa, having address at Models Meredian, Mirama – Donapuala Road, Caranzalem Goa - 403002 to return the original Deed of Sale having registered Document Serial Number: 4560, Book – 1, document Registration No. BRZ-BKI-04658-2014, CD Number: BRZD743 on 28-10-2014 along with all original papers in this regard.*
- c) That the deceased died on 10.11.2018 and the Petitioners are filing this Petition in month of July, 2025 hence there is delay of 4 years in filing this Petition. The delay be condoned as Petitioner being laywomans did now that heirship is required to collect the original papers from the bank."*

5. Issuance of proclamation stands dispensed with.

6. Department is directed to issue the legal heirship certificate as directed above within a period of 3 weeks from today positively.

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

[MILIND N. JADHAV, J.]

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