

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 52 OF 2015**

Pushpa Alias Anusya Laxman Pawar	...Petitioner
<i>Versus</i>	
Rukmini Laxman Pawar	...Deceased

Mr. Ramesh M. Shah, *for the Petitioner.*

**CORAM: G.S. PATEL, J
DATED: 27th August 2015**

PC:-

1. The Petitioner seeks a Legal Heirship Certificate under Section 2 of Bombay Regulation VIII of 1827 in respect of one Smt. Rukmini Laxman Pawar, who is said to have died in Mumbai, where she was ordinarily resident, on 16th September 1993. A copy of her death certificate is annexed. The deceased was survived by the heirs whose names are set out in the tabulation below paragraph 4 of the petition.

2. The Petitioner is one of the daughters of the deceased. According to the Petitioner, the deceased occupied Room No. 57, 1st Floor, BIT Chawl No. 4, Chirabazar, Chandanwadi, Mumbai – 400 002 during his lifetime. The Petitioner says that the married son of the deceased, i.e., the Petitioner's brother and his family

members executed a writing in favour of the Petitioner in respect of this premises in the chawl. The two married sisters of the Petitioner also executed Consent Affidavits on 11th December 1993. The case of the Petitioner is that her brother's children have attempted to force her out of the room that was in the name of the deceased. It is in these circumstances that the Petitioner has been compelled to file the present Petition. She requires the legal heirship certificate to make the necessary application to have her name entered on the records of the Municipal Corporation, the owner of the Chawl building.

3. A proclamation was issued on 24th July 2015. An Affidavit of Service dated 1st August 2015 is on record. No objection Affidavit is found on record in response of that proclamation.

4. No other Petition for a heirship certificate, succession certificate, probate or letters of administration with or without will annexed has been filed. There is no impediment to the grant of relief.

5. Hence, there is no impediment to the grant of relief. The petition is made absolute in terms of prayer clause (a) in favour of the persons mentioned in the table below paragraph 4, namely, Smt. Pushpa Alias Ansuya Laxman Pawar, Smt. Vasanti alias Shalini D. Chavan, Smt. Chhaya alias Nalini Prakash Chavan, Smt. Laxmibai Digamber Pawar, Rakesh Digamber Pawar, and Ramesh Digamber Pawar.

6. It is clarified that as regards the application to be made before the Municipal Corporation is concerned, the Petitioner will be at liberty to place before the Municipal Corporation the consent affidavits signed by her married sisters as also the writing dated 1st February 2000 executed by her brother.

7. The Petition is disposed of in these terms.

8. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J.)