

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 114 OF 2015**

Vimal Laxman Yelwe & 3 Ors.	...Petitioners
<i>Versus</i>	
Laxman Pandurang Yelwe	...Deceased

Mr. R.M. Kanojiya, *for the Petitioners.*

CORAM: G.S. PATEL, J
DATED: 28th October 2015

PC:-

1. The Petitioners seek a Legal Heirship Certificate under Section 2 of Bombay Regulation VIII of 1827 in respect of one Laxman Pandurang Yelwe, who is said to have died intestate on 4th May 2009 in Mumbai, where he was ordinarily resident. A copy of his death certificate is annexed.

2. During his lifetime he lived in Bhandup, Mumbai. He was enrolled in the Indian Army on 15th May 1947. Paragraphs 4 and 5 of the Petition sets out the kinship of the deceased to the Petitioners and the fact that the deceased was previously married as well. The deceased's first wife Shantabai separated and then herself remarried. Shantabai, in any case, passed away in 2006. Shantabai's

son also passed away. The deceased's mother passed away too. The deceased had no daughter. He was survived by his second wife and their three children, all of whom are the Petitioners.

3. The Legal Heirship Certificate is required in relation to the deceased's pension dues.

4. All the heirs have granted consent. 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. The petition is made absolute in terms of prayer clause (a) in favour of Smt. Vimal Laxman Yelwe, Pramod Laxman Yelwe, Pradip Laxman Yelwe and Pravin Laxman Yelwe.

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

(G. S. PATEL, J.)