

Sharayu.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC. PETITION NO. 77 OF 2015**

Santosh Walzade	...Deceased
<i>And</i>	
Bhavna Santosh Walzade	...Petitioner

Ms. Aparna Deokar, i/b M.P. Vashi & Asso., for the Petitioner.

**CORAM: G.S. PATEL, J
DATED: 25th August 2015**

PC:-

1. The Petitioner seeks a legal heirship certificate under Section 2 of Bombay Regulation VIII of 1827 in respect of one Santosh Walzade, who is said to have died intestate in Mumbai, where he was ordinarily resident, on 6th December 2009. A copy of his death certificate is annexed.
2. The deceased was survived by his widow, minor son and minor daughter. His widow is the present Petitioner. There are no other heirs and legal representatives.
3. The Heirship certificate is required for the transfer of Municipal Licence No. 41 in relation to a stall.

4. The issue of proclamation was dispensed with by an order dated 12th August 2015. No other petition for an heirship certificate, succession certificate, probate or letters of administration with or without Will annexed has been filed.

5. By an order dated 23rd March 2015 passed in a group of Writ Petitions, including one by the present Petitioner, a Division Bench of this Court (A.S. Oka & A.P. Bhangale JJ.) noted a statement on behalf of the Municipal Corporation that upon the Petitioners producing an Heirship Certificate, the Municipal Corporation would transfer the Licence to the Petitioners subject to their complying with the required terms and conditions. An order was passed in those terms. A copy of that order annexed to the present Petition.

6. In this view of the matter, there is no impediment to the grant of relief. The petition is made absolute in terms of prayer clause (a), which reads as follows:-

“(a) That a Legal Heirship Certificate certifying that 1) Bhavna Santosh Walzade the widow and Petitioner, 2) Ganesh Santosh Walzade, the minor son and 3) Pranali Santosh Walzade minor daughter are the only heirs and legal representatives of the deceased under the provisions of Bombay Regulation Act VIII of 1827.”

7. All concerned, and, in particular, the officers concerned of the Municipal Corporation of Greater Bombay to act on an authenticated copy of this Order.

(G. S. PATEL, J.)