

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION (L) NO. 966 OF 2015**

Lilavati Ramsurat Singh

...Petitioner

And

Ramsurat Purshottam Singh

...Missing

Mr. U. Warunjikar, *i/b Mr. B.U. Deshmukh*, for the Petitioner.

CORAM: G.S. PATEL, J
DATED: 9th October 2015

PC:-

1. A draft amendment is tendered. It is taken on record and marked "X" for identification. Leave to amend. Amendment to be permitted by the Associate forthwith, without need of reverification.

2. The Petitioner states that one Ramsurat Purshottam Singh has been missing since 25th September 2006 from Kumbharwada, Dharavi, Mumbai. The Petitioner is his wife. They lived together with their children at Room No. 5, Ramnaresh Dubeyji Chawl, Tisri Wadi, Kumbharwada, Dharavi, Mumbai.

3. The Petitioner's husband used to ply an auto-rickshaw. After he went missing, the Petitioner filed an FIR No. 134 of 2006 with the Dharavi Police Station. Ramsurat has not been traced. On 20th December 2013, the Dharavi Police Station issued a certificate saying so. A copy of that certificate is Exhibit "C" to this Petition. The Petitioner, therefore, seeks a declaration that Ramsurat Purshottam Singh having been missing for a period of more than seven years be declared to be presumed dead. So ordered.

4. The deceased was survived by the Petitioner and their four children, two sons and two daughters, whose names are set out in the tabulation below paragraph 7. The Petitioner seeks a Legal Heirship Certificate under Section 2 of the Bombay Regulation VIII of 1827 so that Ramsurat's auto-rickshaw permit can be transferred by the Regional Transport Officer, Mumbai.

5. As of this date, no proclamation has yet been issued nor yet dispensed with. In view of the fact that the consent Affidavits of all the heirs have been filed, the proclamation is dispensed with. The Petition is accepted and made returnable forthwith.

6. The Petition is now made absolute in terms of prayer clauses (a-1) and (a), which read as follows:

(a-1) Be pleased to declare Mr. Ramsurat Purshottam Singh as dead in view of M.R. NO.134/06 registered at Dharavi Police Station and the certificate issued by police authorities dated 20.12.2013, i.e., Ex-C

(a) That legal heirship certificate thereby certifying the Petitioner Lilavati Ramsurat Singh, Manoj Ramsurat Singh, Pramod Ramsurat Singh, Manju Singh and Madhuri Singh be recognized as legal heirs and legal representative of the missing Ramsurat Purshottam Singh be granted to the Petitioner.

(G. S. PATEL, J.)

CERTIFICATE

“Certified to be a true and correct copy of the original signed Judgment/Order.”