

Sharayu

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 18 OF 2015**

Smt Jayashree Janu Yadav

...Petitioner

Versus

The State of Maharashtra.

...Respondent

Mr. Sandeep Bane, *for the Petitioner.*

CORAM: G.S. PATEL, J
DATED: 2nd March 2015

PC:-

1. The Petitioner is the wife of one Janu Gangaram Yadav. He is said to have gone missing from and after 25th March 2003 from Sakinaka, Andheri, Mumbai. From that date, his whereabouts are unknown. All efforts have been made to locate him, but to no avail. The Petitioner has lodged a missing person complaint with the Sr. Inspector of Police, Sakinaka Police Station, Andheri (West) on 4th April 2003/5th May 2003. The Police Authorities have issued three certificates dated 3rd October 2005, 9th March 2007 and 26th June 2014 confirming that the Janu Gangaram Yadav has yet not been found.

2. The Petitioner and Janu Gangaram Yadav had three children, two sons named Sunil and Anil and the daughter named Kavita. Their names are set out in the Petition. Since they are not joined as Petitioners, and service had not been effected on them, I noted by my order dated 16th February 2015 that the Advocate for the Petitioners sought time to file a consent Affidavit on behalf of these three children. Today, a joint Affidavit dated 26th February 2015 affirmed by Sunil Janu Yadav, Anil Janu Yadav and Kavita Janu Yadav is filed before me. It is taken on record. In this Affidavit the three children of the Petitioner affirm that they have no objection to the grant of a Succession Certificate. Although the Affidavit should correctly have mentioned an Heirship Certificate or Letters of Administration, it seems to me clear that the Affidavit conveys the intention of the Deponents.

3. In these circumstances, the Petition is made absolute in terms of prayer clauses (a) and (b). Janu Gangaram Yadav is declared to be presumed to be dead having been missing since 25th March 2003, i.e., if for a period of more than seven years and, in fact, for a period of nearly 12 years.

4. The Petitioner may be granted Letters of Administration in respect of the property mentioned in Schedule I to the Petition. The Registry is directed to process the Petition accordingly.

(G. S. PATEL, J.)