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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

MISC. PETITION NO.112 OF 2015

Ms. Panna Mohanlal Rajput .. Petitioner.

Vs.

Ratanji Premji Rajput .. Deceased.

Mrs. Sandhya M. Borude i/b Mr. Parshuram Maruti Khankar for the
Petitioner.

CORAM : A. K. MENON, J.

DATE : 20TH NOVEMBER, 2015.

PC.:

The petitioner seeks issuance of legal heirship certificate under section 2 of Bombay Regulation VII of 1827 in respect of late Ratanji Premji Rajput, grand father of the petitioner who died intestate on 1st June, 1978. A copy of the death certificate is annexed at Exhibit-A. The petitioner has also set out at page 3 of the petition the names of other heirs, many of whom have expired on various dates. The copies of death certificates are annexed at Exhibit-B to Exhibit-I. The petition came to be accepted on 7.9.2015 after which the office has issued an order of proclamation.

2. The deceased left behind as his legal heirs the following persons:-

(1) Jaykorben alias Zakorben Ratanji Rajput (widow), (2) Harkisandas Ratanji Rajput, (3) Devkaran Ratanji Rajput, (4) Keshavlal Ratanji Rajput,

Smt. Nirmala Ratanji Rajput alias Nirmala Mohanlal Rajput (married daughter). During the lifetime of Jaykorben Rajput she executed a declaration in favour of her son-in-law Mohanlal Amrutlal Rajput who was the husband of Nirmala stating that the premises at room no.6, 128 Bora Bazar Street should be transferred to Mohanlal Amrutlal Rajput, Harkisandas Ratanji Rajput, Devkaran Ratanji Rajput and Keshavlal Ratanji Rajput who are the other sons of Jaykorben also executed declarations to the effect that the alternate accommodation to be provided in lieu of room no.6, 128 Bora Bazar Street may be transferred to the name of said Mohanlal. Thereafter Jaykorben expired in 1995, Mohanlal Amrutlal Rajput expired in 2008, Nirmala expired in 2011, Keshavlal expired in 2012 and Harkisandas expired in 2013.

3. The aforesaid Mohanlal on his demise left behind surviving heirs as his legal heirs (a) Nirmala (widow), (b) the petitioner- Ms. Panna Mohanlal Rajput, (c) Smt. Kalpana Rajput (married daughter) and (d) Paresh Mohanlal Rajput (son). The said Nirmala and Paresh expired in 2011. Thus only Devkaran Ratanji Rajput and Kalpana Mohanlal Rajput are the surviving legal heirs. Vide order dated 7th October, 2015 the Petition was accepted. The office directed to above proclamation. On 20th November, 2015 the proclamation was issued and the same was

served as set out in the affidavit of service. Pursuant thereto, two affidavits of consent of one Kalpana Kishore Rajput and Devkaran Mohanlal Rajput have been filed, both of whom has confirmed that the petitioner was a legal heir of Mr. Ratanji Premji Rajput and that they have no objection to the grant of legal heirship certificate in favour of the petitioner. I see no impediment in granting the application in favour of the petitioner Ms. Panna Mohanlal Rajput. The same is required by her for claiming Gala no.304, building no.5D, Transit Camp, Dharavi, Mumbai-400 017. Accordingly, I pass the following order:-

- (i) The Petition is made absolute in terms of prayer clause(a).
- (ii) Petition is disposed of.
- (iii) There will be no order as to costs.

(A. K. MENON, J.)