

JSN

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.17 OF 2016**

Mrs. Kamal Satish Kulkarni ... Deceased

Mrs. Geeta Hemant Patil ... Petitioner

Mr. Suresh Rajeshwar, *for the Petitioner.*

CORAM: G.S. PATEL, J

DATED: 2nd May 2016

PC:-

1. This is a Petition for a issue of Heirship Certificate under Section 2 of Bombay Regulation 1827, in respect of one Kamrunisa Mohammad Hussain alias Mrs. Kamal Satish Kulkarni, who died intestate in Mumbai, where she was ordinarily resident, on 25th July 2014. A copy of her death certificate is annexed.

2. At the time of her death, the deceased lived at Goregaon. Prior thereto she lived in Malad.

3. The deceased is said to have died intestate leaving no Will or other testamentary instrument. None in any case has been found.

4. It is stated that the Petitioner was a member of the Sanjay Gandhi Rahiwasi Sanghtana, and lived at Sanjay Gandhi Nagar. She was previously married to one Mohammad Hussain. They had a son Mastaan and a daughter Sampada. It is stated that Mohammad Hussain deserted the deceased and his whereabouts since then are unknown. In 1985, the deceased married one Satish Bhimrao Kulkarni. She changed her religion. From her marriage with Satish Kulkarni she had three children, a daughter, Neeta, born on 10th October 1987, a second daughter, Geeta, born on 25th October 1989 and a son, Niranjan, born on 1st February 1993. Their birth certificates are annexed. It is also said in Paragraph 5 of the Petition that the entire family of the deceased, i.e., she, her second husband Satish, their three children and her two children from her first marriage, viz., Mastaan and Sampada, all lived together in Sanjay Gandhi Nagar.

5. Mastaan married in 2012 and left the family house. The marriage of the deceased's daughter Sampada (her daughter by her first marriage to Mohammad Hussain) was performed by the deceased and Satish Kulkarni on 25th January 2001. Sampada's married name is Sampada Santosh Ambekar. Neeta and Geeta are also married.

6. The Petition says that after marriage the deceased changed her name to Kamal Satish Kulkarni. There are documents annexed to the Petition showing this.

7. An S.R.A. scheme was put in place in that area. The deceased and Mastaan executed several documents in that behalf.

8. The deceased's heirs are shown in the tabulation below paragraph 8. These include Sampada and Mastaan, the deceased's children from her first marriage. Satish is also shown as an heir as are their three children Neeta, Geeta and Niranjana. There are thus six heirs in all.

9. A proclamation has been issued. An Affidavit evidencing issuance of the proclamation is on file. None have come forward to oppose. In addition, care has been taken to separately serve Mastaan, he being the only heir not to have consented. There is as yet no opposition from Mastaan. Mastaan has been separately served with the letter dated 30th March 2016. Mr. Rajeshwar undertakes to file an Affidavit of Service within one week from today.

10. There is no other Petition for Letters of Administration with or without Will annexed, Probate or a Succession Certificate. There is no impediment to the grant of relief.

11. The Petition is made absolute in terms of prayer clause (a) in favour of all the six heirs (including Mastaan), whose names are shown in the tabulation below paragraph 8.

(G. S. PATEL, J.)