

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 25 OF 2016**

Arjun Shankar Martal	...Petitioner
<i>And</i>	
Gopal Laxman Martal	...Deceased

Mr. Mr. Madhusudan Gawade, for the Petitioner.

**CORAM: G.S. PATEL, J
DATED: 21st June 2016**

PC:-

1. The Petition was accepted and proclamation has been issued. An Affidavit proving service of proclamation is on record.

2. The Petitioner seeks a Legal Heirship Certificate under Section 2 of Bombay Regulation VIII of 1827 in respect of one Gopal Laxman Martal, who is said to have died intestate in Mumbai, where he was ordinary resident, on 13th April 1985. A copy of his death certificate is annexed.

3. The deceased was survived by his widow, his nephew and the deceased's sister-in-law, the Petitioner's mother. The deceased's widow, Bhagirathi, died on 11th November 1990. The Petitioner's mother, Parvati Shankar Martal (the deceased's sister-in-law), died

on 15th March 2004. The Petitioner is the nephew of the deceased. He claims to be the only surviving legal heir.

4. The Legal Heirship Certificate is required in respect of tenancy premises at Gulam Mohammed Chawl, Jagannath Bhatankar Marg, Mumbai 400 013 and for submission to MHADA.

5. No other Petition for a heirship certificate, succession certificate, probate or letters of administration with or without Will annexed has been filed. There is no impediment to the grant of relief.

6. The petition is made absolute in terms of prayer clause (a), which reads thus:

“(a) That the Legal Heirship Certificate recognising the Petitioner, i.e., Shri. Arjun Shankar Martal as the only legal heir and representative of the deceased abovenamed be granted for the purpose of claiming the Properties of the abovenamed Deceased Shri Gopal Laxman martal Viz: residential premises No. B, B, 4, 406 having an area admeasuring about 225 sq. ft. in “B” wing, on the 4th floor of the building know as Vishwaraja Darshan, situate at jagannath Bhatankar marg, Elphiston Road, Mumbai 400 013.”

7. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J.)