

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 74 OF 2016**

Vatsala Mahabaleshwar Raikar & 2 Ors.	...Petitioners
<i>And</i>	
Mahabaleshwar Vithoba Raikar	...Deceased

Mrs. Rashmi N. Jani, *for the Petitioners.*

CORAM: G.S. PATEL, J
DATED: 16th September 2016

PC:-

1. The three Petitioner are all heirs of the deceased. The 4th Petitioner, Rohini Vilas Kurdekar has consented. Hence, proclamation dispensed with. The Petition is made returnable forthwith and taken up for hearing and final disposal.

2. The Petitioners seeks a Legal Heirship Certificate under Section 2 of Bombay Regulation VIII of 1827 in respect of one Mahabaleshwar Vithoba Raikar, who is said to have died intestate in Mumbai, where he was ordinarily resident, on 11th November 1997. A copy of his death certificate is annexed.

3. There are no other heirs except for those whose names are shown in paragraph 4. Another son Uday Mahabalaeshwar Raikar died on 26th May 1998.

4. During his lifetime, the deceased was a tenant of Room No. 10, Bhadran Bhuvan, 13 Manchhubhai Road, Malad (East), Mumbai 400 097. this chawl was purchased from its original owners. The new purchaser has entered into an agreement with the previous owners. The chawl is being redeveloped. The names of the heirs of the deceased are mentioned below paragraph 4 of the petition. The Legal Heirship Certificate is required for the purposes of that property.

5. All the heirs have granted consent. 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 as follows:

“(a) That Heirship Certificate in the form of Appendix of the Bombay Regulation VIII of 1927 be granted to the Petitioners declaring that the Petitioners, viz., (1) VATSALA MAHABLESHWAR RAIKAR, (2) REKHA VINAY POTDAR Nee name REKHA MAHABLESHWAR RAIKAR, (3) GANESH MAHABLESHWAR RAIKAR & ROHINI VILAS KURDEKAR Nee

name ROHINI MAHABLESHWAR RAIKAR, are the legal heirs of the deceased Late MAHABLESHWAR VITHOBA RAIKAR.”

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

(G. S. PATEL, J.)