

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
TESTAMENTARY AND INTESTATE JURISDICTION  
MISCELLANEOUS PETITION NO. 119 OF 2016**

|                          |               |
|--------------------------|---------------|
| Prashant Dyandeo Gulekar | ...Petitioner |
| <i>And</i>               |               |
| Sushma Dnyandeo Gulekar  | ...Deceased   |

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**Ms. Saroj Ghatge, i/b Supriya Chheda, for the Petitioner.**

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**CORAM: G.S. PATEL, J  
DATED: 15th November 2016**

**PC:-**

1. On the oral application of the learned Advocate for the Petitioner, leave to amend to include the prayer based on Section 108 of the Evidence Act in respect of Pradeep Dyandeo Gulekar said to have been missing since 29th February 2004. Amendment to be carried out forthwith in Court, without need of reverification.
  
2. The amendment having been effected, the Petition is accepted. In view of the consent of the other heirs who are alive, proclamation is dispensed with. The Petition is made returnable forthwith and taken up for hearing and final disposal.
  
3. The Petitioner seeks a Legal Heirship Certificate under Section 2 of Bombay Regulation VIII of 1827 in respect of one

Sushma Dyandeo Gulekar, who is said to have died intestate in Mumbai on 25th November 2013. During her lifetime, the deceased lived at B-49, Katradevi Colony, Dr. S.S. Rao Road, Near Rajkamal Studio, Parel, Mumbai 400 012. A copy of her death certificate is annexed. The deceased was survived by her husband, two sons and a daughter. Their names are mentioned in a tabulation below paragraph 5 of the petition.

4. The deceased also had another son named Pradeep Dyandeo Gulekar. He went missing from 29th February 2004 and has not been heard on or from since, even by those who would have normally heard from him. A Missing Person complaint made to the Kalachowki Police Station. On 17th May 2015, the Kalachowki Police Station confirmed in writing (Exhibit “B” at page 13) that Pradeep has not been found. The Petitioner, therefore, seeks a declaration that having been missing for more than seven years, Pradeep is presumed dead. He was unmarried and had no heirs.

5. The Petitioner states that the deceased in her lifetime owned agricultural land in Ratnagiri District. This land has been acquired by Nuclear Power Corporation of India for a Power Project and the deceased’s heirs are entitled to compensation. It is for this reason that the heirship certificate is required. In addition, the Petitioner’s brother has applied for a certificate as a Project Affected Person and also seeks financial assistance or employment as such.

6. All the other heirs have consented. 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.

7. The petition is made absolute in terms of prayer clause (a) and (a1) in favour of the persons mentioned in the table below paragraph 5, namely, Mr. Dnyandeo Narayan Gulekar, Mr. Prashant Dyandeo Gulekar, Mr. Prafull Dyandeo Guylekar and Mrs. Veena Vijay Mayekar nee Priti Dynandeo Gulekar.

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

**(G. S. PATEL, J.)**