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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION (L) NO. 1386 OF 2015**

Manjula Vasant Gohil	...Petitioner
<i>And</i>	
Vasant Danji Gohil	...Deceased

Mr. Shobhana Waghmare, *for the Petitioner.*
Mr. Sanjiv P., *i/b Mr. Prakash J. Salsingikar, for mother of the deceased.*

CORAM: G.S. PATEL, J
DATED: 13th October 2016

PC:-

1. The Petitioner seeks a Legal Heirship Certificate under Section 2 of Bombay Regulation VIII of 1827 in respect of one Vasant Danji Gohil, who is said to have died intestate in Mumbai, where he was ordinarily resident, on 4th February 2014. A copy of his death certificate is annexed.
2. The deceased was survived by his mother, widow, one son two sons and a daughter. Their names are mentioned in the tabulation below paragraph 4 of the petition.
3. The Legal Heirship Certificate is required for submission to the Municipal Corporation of Greater Mumbai Lokmanya Tilak

Municipal Hospital, Sion, Mumbai 400 022 for the post of sweeper on compassionate grounds. The Legal Heirship Certificate is also required for the deceased's dues such as Provident Fund etc.

4. The Petitioner's mother-in-law instructs her Advocate to make an exceedingly peculiar submission, *viz.*, that the Petitioner should not seek any employment on the compassionate ground because the policy is such that if she does so and does get such employment, her sons when they attain majority, will not be entitled to seek employment on this ground.

5. This even does not stand to reason. It assumes far too much, beginning with the assumption that these minor children, today between the ages of 10 and 12, will even want to apply for employment at the MCGM Lokmanya Tilak Municipal Hospital where the Petitioner worked, or that they will, on production of an Heirship Certificate, automatically be given that employment. None of this is reason to demand that the Petitioner be made to sit idle and without employment even if she is able to get employment on some priority basis. It is true that the two minor sons are with the Petitioner's mother-in-law (the daughter is with the Petitioner), but I imagine that it is difficult enough for a single woman to provide for three children in a city like this without being told that she should not avail of an employment opportunity when one presents itself and should, instead, on the diktat of her mother-in-law, be without a source of income. The objection and opposition are rejected.

6. 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) in favour of the persons mentioned in the table below paragraph 4, namely, Bena Danji Gohil, Manjula Vasant Gohil, Rishi Vasant Gohil, Prabhat Vasant Gohil and Maghana Vasant Gohil.

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

(G. S. PATEL, J.)