

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION (L) NO. 1754 OF 2016**

Rekha Rajan Swamy	...Petitioner
<i>And</i>	
Vasundhara Xavier Swamy	...Deceased

Mr. B.G. Saraf, *for the Petitioner.*

CORAM: G.S. PATEL, J
DATED: 20th December 2016

PC:-

1. Accepted. The Petitioner is the only surviving heir of the deceased, her mother-in-law. Hence, proclamation is dispensed with and the Petition is made returnable forthwith.

2. The Petitioner seeks a Legal Heirship Certificate under Section 2 of Bombay Regulation VIII of 1827 in respect of Vasundhara Xavier Swamy, who is said to have died intestate in Pune on 27th April 2015. During her lifetime, Vasundhara held a property being Flat No. 403, 4th Floor, Jeevan Sheela Cooperative Housing Society Limited, Government Colony, Bandra (East), Mumbai 400 051.

3. The Petitioner, Rekha Rajan Swamy is the daughter-in-law of the deceased. Rekha was married to Vasundhara's son, Rajan. He died on 10th May 2009. Mr. Saraf tenders a copy of his death certificate. It is taken on record and marked "X" for identification. Vasundhara's own husband died on 18th May 2016. Thus, today the Petitioner is the only surviving legal heir of the deceased.

4. The Legal Heirship Certificate is required for the purposes of transferring or transmission of the immovable property at Flat No. 403, 4th Floor, Jeevan Sheela Cooperative Housing Society Limited, Government Colony, Bandra (East), Mumbai 400 051

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) in favour of the Petitioner.

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

(G. S. PATEL, J.)