

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
TESTAMENTARY AND INTESTATE JURISDICTION**

**MISC. PETITION NO. 154 OF 2016**

Late Bhau Babaji Kadam

.. Deceased

Sadashiv Bhau Kadam

.. Petitioner.

Mr.Sunil Suresh Bhandare for petitioner.

Mr.Sadashiv Bhau Kadam-petitioner and Mr.Avinash Dattaram Kadam, Mr.Hari Dattaram Kadam and Ms. Savita Dattaram Kadam, Legal Heirs of deceased present.

**CORAM : K.R.SHRIRAM, J.**

**DATE : 18<sup>TH</sup> JANUARY, 2017**

**P.C.**

1 Accepted.

2 The petitioner is one of the legal heir of Bhau Babaji Kadam who expired on 13<sup>th</sup> April 1965. The deceased had three sons Shantaram Bhau Kadam; Dattaram Bhau Kadam and Sadashiv Bhau Kadam (petitioner). Shantaram Bhau Kadam and his wife Smt. Anandi @ Anandibai Shantaram Kadam have expired. It is stated that they died issue-less. The second son Dattaram Bhau Kadam also has expired and leaving behind his wife Smt. Savita Dattaram Kadam and two surviving sons Avinash Dattaram Kadam and Harish Dattaram Kadam and the third son of the petitioner is Sadashiv Bhau Kadam. The legal heirs, mentioned at 2a, 2b and 2c of paragraph 6,

have consented to this petition and their consent affidavits are also annexed to the petition. They are also present in Court and are identified by the petitioner's Advocate Shri Bhandare. They reiterated that they have no objection for granting reliefs sought in the petition.

Hence, issuance of proclamation is dispensed with.

7 The miscellaneous petition is made returnable forthwith and taken up for hearing and final disposal.

8 The petitioner is seeking a legal heir-ship certificate under Section 2 of the Bombay Regulation Act VIII of 1827 in respect of one Bhau Babaji Kadam who is stated to have died intestate and who was ordinarily resident of Room No.75, Bharat Bhuvan No.2, Rambhau Bhogale Marg, Mumbai 400 033. (hereinafter referred as 'the said premises') a copy of his Death Certificate is also annexed to the petition. The deceased had left behind three sons. The two of his the sons have expired. The wife of one of the son is also expired and she died issue-less. The surviving legal heirs of the deceased are mentioned in the tabulation in paragraph 6 of the petition. The surviving legal heirs have consented to the grant of legal heir-ship certificate in respect of the said premises. The legal heir-ship certificate is required, the counsel states, for transfer of the said premises in the name of the petitioner

and the other legal heir. It is also stated that no other application for probate or letters of administration or for heir-ship certificate has been filed in this Court or in any other Court. There is no impediment to grant the reliefs.

9 In the circumstances, the petition is made absolute in terms of prayer clause (a), which reads as under :

(a) that Legal Heirship Certificate thereby certifying the petitioner Shri Sadashiv Bhau Kadam and other legal heirs mentioned in paragraph 6 as recognized legal heirs and representatives of the deceased be granted to the petitioner.

Heir-ship certificate granted in favour of Sadashiv Bhau Kadam, Smt. Savita Dattaram Kadam, Avinash Dattaram Kadam and Harish Dattaram Kadam.

10 The petition disposed.

11 All concerned to act on a copy of this order authenticated by Associate of the Court.

**(K.R. SHRIRAM, J.)**