

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

MISC. PETITION NO. 83 OF 2016

Ramchandra Narasappa Salunke .. Deceased

Leela Ramchandra Salunke .. Petitioner.

Ms.Sabina Ansari i/b Vijaya K. Roman for petitioner.

**CORAM : K.R.SHRIRAM, J.
DATE : 18TH JANUARY, 2017**

P.C.

1 Accepted.

2 The petitioner is the widow of the deceased Ramchandra Narasappa Salunke, who died on 12th August 2012. Apart from the petitioner, there are two other legal heirs, viz., a son, Akshay Ramchandra Salunke, age 19 years and the second son Jayesh Ramchandra Salunke, aged 10 years. There is a consent affidavit of Akshay Ramchandra Salunke, dated 9th March 2016 annexed to the petition. Hence, issuance of proclamation is dispensed with.

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

4 The petitioner is seeking a Legal Heirship Certificate under Section 2

of the Bombay Regulation Act VIII of 1827 in respect of one Ramchandra Narasappa Salunke who is stated to have died intestate in Mumbai on 12th August 2012. The deceased was survived by his widow-the petitioner and two sons one of whom is a minor. The son who is a major has consented. So far as the minor is concerned, the petitioner being the mother is a natural guardian of the minor. It is also stated that the parents of the deceased are predeceased and there are no other children apart from the two mentioned in the petition.

5 During his lifetime, the petitioner and the deceased with their children, were living in a hut bearing No.16, 101, situated at Mankhurd, Survey No.80 (Part), CTS No.6/1 (Part) which stood in the name of the deceased. The petitioner has also annexed a copy of a letter, dated 7th November 2015 from Shivshahi Punnarvasan Prkalp Maryadit, a Government undertaking certifying that the said hut was in the name of the deceased and a consent affidavit of Akshay Ramchandra Salunke. The Heirship Certificate is required by the petitioner and her sons to submit the same to transfer the said hut in the name of the petitioner. It is also stated that no other application has been made for probate or letters of administration or for heirship certificate has been filed in this Court or in any other Court. There is no impediment to grant the reliefs.

6 In the circumstances, Heirship certificate be granted in favour of Leela Ramchandra Salunke, Akshay Ramchandra Salunke and Jayesh Ramchandra Salunke.

7 The petition disposed.

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

(K.R. SHRIRAM, J.)