

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

MISC.PETITION NO.123 OF 2016

Vishal Dhanaji Kocharekar)....Petitioner

And

Vasudev Kocharekar alias Vasudeo)
Baburao Kochrekar alias Vasudeo Baburao)
Khochrekar)....Deceased

Mr.Rajesh S.Desai for the petitioner.

CORAM : K.R.SHRIRAM,J

DATE : 11.1.2017

P.C.:-

1 The petition was accepted on 15.11.2016 and proclamation was directed to be issued returnable on 16.12.2016. Time was extended on 25.11.2016 to issue proclamation. Mr.Desai appearing for the petitioner states that an affidavit of service of one Ramakant R. Saterdekar, managing clerk of Mr.R.S.Desai affirmed on 4.1.2017 confirming service of proclamation in accordance with the law has been filed. Nobody has filed any objection. Hence, petition is taken up for hearing and final disposal.

2 The petitioner seeks legal heirship certificate under Section 2 of the Bombay Regulation Act VIII of 1827 in respect of one Vasudev Kocharekar alias Vasudeo Baburao Kochrekar alias Vasudeo Baburao Khochrekar who is stated to have died intestate on

16.1.2010 in Dahisar where he was residing. A copy of his death certificate is also annexed to the petition.

3 The deceased is survived by his married sister, a brother, sister-in-law and the two sons of another deceased brother which includes the petitioner. The names are mentioned in the tabulation of paragraph-7 of the petition. The only surviving legal heirs are at serial nos.1, 2, 3(a) & 3(c), apart from the petitioner. The said four legal heirs have filed consent affidavits which are annexed to the petition.

4 The deceased was having an Auto Rickshaw bearing Certificate of Registration No.MH-02-X-6201, Auto Rickshaw Permit No.MH-02-X-6201/94/W and Driving License No.80/W/4904 issued by Regional Transport Authority, Mumbai (West), Mumbai. After passing away of the deceased when the petitioner approached Regional Transport Authority for transfer of the auto rickshaw permit and auto rikshaw of the deceased in the name of the petitioner, the petitioner was directed to produce legal heirship certificate to enable the authority to consider the petitioner's request. It is for that reason this petition is filed. It is also stated in the petition that the petitioner has not applied for any Probate, letters of administration and/or grant of succession certificate in respect of the movable and/or immovable

property of the deceased and there is no other application filed other than the present petition.

5 The petition is therefore, absolute in terms of prayer clause-(b) in favour of the petitioner and (1) Sunanda Sonu Rane ; (2) Chandrakant Baburao Kocharekar ; (3) Varsha Dhanaji Kocharekar (4) Kunal Dhanaji Kocharekar and (5) Vishal Dhanaji Kocharekar. Petition accordingly disposed.

 All parties to act on a copy of this order duly authenticated by the Associate of this court.

(K.R.SHRIRAM,J)