

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

MISC.PETITION NO.155 OF 2016

Rajbahadur Jagannath Upadhyay Deceased

Adyaprasad Jagannath Upadhyay Petitioner

Mr.Clifford Martis for the petitioner.

**CORAM : K.R.SHRIRAM,J
DATE : 29.3.2017**

P.C.:-

1 The counsel for the petitioner has placed on record an affidavit of service of one Namdeo Mulajirao Indulkar, affirmed on 20.2.2017.

2 The petitioner is the only legal heir of the deceased one Rajbahadur Jagannath Upadhyay who was unmarried and died intestate on 23.5.2010. The petitioner seeks legal heirship certificate under Section 2 of the Bombay Regulations VII of 1827. A copy of the death certificate is annexed to the petition. During his life time the deceased had a flat no.B-107, 1st floor, Tadeshwar SRA Cooperative Housing Society Limited at Bal Govindas Wadi, Behind Paradise Cinema, Bhagoji Keer Marg, Mahim, Mumbai-400 016. The society has directed the petitioner to obtain heirship certificate and hence this petition is filed.

2 It is also stated that the petitioner had filed Misc. Petition No.41 of 2011 for issuance of heirship certificate for transfer of taxi permit standing in the name of the deceased to the name of the petitioner. By an order dated 20.8.2011 the Misc. Petition was made absolute and it is also stated that Prothonotary & Senior Master has handed over the legal heirship certificate dated 17.9.2011 to the petitioner. Since this court has already granted legal heirship certificate in respect of the taxi permit, I find no impediment in granting prayer as sought in the petition.

3 Petition is made absolute in terms of prayer clause-(a) in favour of the petitioner Adyaprasad Jagannath Upadhyay.

Petition accordingly, disposed.

(K.R.SHRIRAM,J)