

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

MISC.PETITION NO.140 OF 2016

Sanjiva Rama Amin	)....Deceased
And	
Suresh Sanjiva Kotian	)....Petitioner

Mr.Shailesh Vasant More for the petitioner.

CORAM : K.R.SHRIRAM,J
DATE : 11.1.2017

P.C.:-

- 1 Accepted.
- 2 Leave to amend the petition is granted.
- 3 The petitioner is one of the legal heir of the deceased Sanjiva Rama Amin who expired on 1.11.2010 at Sion Koliwada, Mumbai-400 022. The other legal heirs have consented. Hence, issuance of proclamation is dispensed with. Petition is returnable forthwith and taken up for hearing and final disposal.
- 4 The petitioner seeks legal heirship certificate under Section 2 of the Bombay Regulation VIII Act 1827 in respect of one Sanjiva Rama Amin who is stated to have died intestate on 1.11.2010. A copy of the death certificate is also annexed. The deceased is survived by the 8 persons, one of which is the petitioner, mentioned in tabulation of paragraph-2 to the petition. All other 7 heirs have consented to the grant of legal heirship certificate.

5 During his lifetime, the petitioner was residing in room no.724, building no.14, Peerless Co-op. Housing Society, Sardar Nagar, M.H.B.Colony, Sion Koliwada, Mumbai-400 022, and the legal heirship certificate is required to submit before MHADA in respect of transfer of the said premises. It is also stated that only in December-2015, MHADA informed the petitioner that heirship certificate is required to effect the transfer and hence there has been delay in filing this petition. Delay condoned. There is no impediment to the grant of relief sought in the petition.

6 Petition is made absolute in terms of prayer clause-(a) in favour of the persons mentioned in the table in paragraph-2 of the petition viz. (1) Mrs.Sumitra C.Karkera ; (2) Mr.Suresh Sanjiva Kotian (3) Mrs.Sujata K.Poojari ; (4) Mrs.Pushpa S.Kotian widow of Surekant S.Kotian ; (5) Miss.Pooja S.Kotian, daughter of Surekant S.Kotian ; (6) Miss. Shreeja S.Kotian, daughter of Surekant S.Kotian ; (7) Mrs.Jayalaxmi S.Kotian, widow of Subash S.Kotian and (8) Mayuri S.Kotian, daughter of Subash S.Kotian.

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)