

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

MISC.PETITION NO.117 OF 2016

Devasahayam Josephpapaukutty Mudliyar)....Deceased

V/s.

Mrs.Punithavathy Devasahayam)....Petitioner

Mr.Anil Patel for the petitioner.

Ms.Punithavathy D.Mudliyar-petitioner Ms.Sudha Devasahayam
Mudaliyar and Mr.Mudaliyar Puvanesh Devasahayam present in
court.

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

P.C.:-

1 Accepted.

2 The petitioner is one of the legal heir of the deceased who died on 19.1.2015. The two other legal heirs Sudha Devasahayam Mudaliyar and Mudaliyar Puvanesh Devasahayam, the widow and the son of the deceased have consented. Hence, issuance of proclamation is dispensed with and Miscellaneous Petition is made returnable forthwith and taken up for hearing and final disposal.

3 The petitioner seeks legal heirship certificate certifying that the 3 legal heirs mentioned in paragraph-3 of the petition are the natural legal heirs and legal representative of the deceased who has stated to have died intestate on 19.1.2015 in Mumbai. The certificate

required is under Section 2 of Bombay Regulation VIII 1827. A copy of the death certificate is also annexed to the petition.

4 During his life time, the deceased resided at New Paradise, Room No.501, Tilak Nagar, Road No.6, Goregaon (West), Mumbai-400 062. It is stated that when the petitioner applied to the appropriate authority to transfer the properties standing in the name of the deceased to the names of the legal heirs mentioned in paragraph-3 of the petition, the petitioner was directed to obtain legal heirship certificate from the court and the purpose of applying is to get the properties transferred in the name of the petitioner, her mother and brother. Schedule of immovable properties is mentioned in Exhibit-B to the petition.

5 It is also stated in the petition that save and except the present petition, the petitioner has not filed nor made any application to any District court or District Delegate or to any High Court for probate of any Will or for Succession Certificate to the property and credits of the deceased. Therefore, there is no impediment to the grant of relief prayed for.

6 Petition is made absolute in terms of prayer clause-(a) in favour of 3 persons mentioned in paragraph-3 of the petition viz. (1)

Smt. Sudha Devasahayam Mudaliyar ; (2) Mudaliyar Puvanesh Devasahayam and (3) Mrs.Punithavathy Devasahayam Mudaliyar.

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)