

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

MISCELLANEOUS PETITION NO.159 OF 2016

Pramod Mahadev Gamre

.....Petitioner

V/s.

Savita Mahadev Gamre

....Deceased

Mr. Prabhu Velar i/b. Naik Manoj Arvind for the petitioner.

CORAM : K.R.SHRIRAM,J

DATE : 4th JANUARY, 2017

P.C.:-

1 Accepted. The petitioner is the son and one of the heirs of the deceased – Savita Mahadev Gamre, who died on 25th November, 2011. The deceased has had three children, two daughters - Avantika Mahadev Gamre and Pratibha Mahadev Gamre and another son – Arvind Mahadev Gamre. These three legal heirs have consented. Hence, issuance of proclamation is dispensed with. Miscellaneous Petition is returnable forthwith and taken up for hearing and final disposal.

2 The petitioner is seeking issuance of a Legal Heirship Certificate certifying that the petitioner alongwith the three other legal heirs mentioned in paragraph 4 of the petition are the only legal heirs and representative of the deceased under the Bombay Regulation VIII

of 1827.

3 It is stated in the petition that the deceased died intestate on 25th November, 2011. Photocopies of the succession certification issued by the office of the Tahsildar on 9th August, 2012 and also death certificate are annexed to the petition.

4 During her lifetime, the deceased worked as a Peon in MHADA and after the death of the deceased, the petitioner applied for job in MHADA on compassionate ground. The Legal Heirship Certificate is needed for the purpose of getting job in MHADA on compassionate ground. The other legal heirs of the deceased have filed affidavit of consent.

5 It is stated in the petition that no other application or petition has been filed for heirship certificate or succession certificate or probate or letters of administration with or without will. At the same time, it is also stated in the petition that the petitioner had applied and obtained succession certificate from the Tahasildar.

Be that as it may, in my view, there is no impediment in granting the relief sought in the petition.

6 Therefore, the petition is made absolute in terms of prayer clause – (a) which reads as under :

“(a) That a Legal Heirship Certificate certifying that the petitioner alongwith the heirs mentioned herein paragraph 4 above are the only heirs and legal representatives of the said deceased under the provisions of Bombay Regulation Act, VIII of 1827.”

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

(K.R.SHRIRAM,J)