

children of the brother of the deceased who is at serial no.2. All the other legal heirs have consented to the grant of legal heirship certificate.

4 During his life time, the deceased was living in a Room No.V/J/209, Dr.Babasaheb Ambedkar Shatabdi Nagar, Sector-5, Cluster J, Dharavi, Mumbai-400 017 (the said room). It is stated that the deceased had transferred the room in favour of the petitioner by an affidavit dated 9.8.1999. A copy of the affidavit is at Exh.B to the petition. MHADA had redeveloped the cluster, pursuant to which occupants of room no.V/J/209 became entitled to an alternative premises.

5 It is stated in the petition that when MHADA conducted survey of sector 5, in which said room was situated, the petitioner was declared non-eligible occupier because the original occupier was the deceased. The petitioner therefore, filed an appeal before the appellate authority, which appeal is pending. The petitioner states that to be entitled to the room under the cluster redevelopment scheme of MHADA, the petitioner will have to produce legal heirship certificate. The petitioner has annexed to the petition the affidavits of those persons mentioned at serial nos.2, 4, 5, 6 & 7 in the tabulation of paragraph-7 of the petition. No other petition for heirship certificate

or succession certificate or probate or Letters of Administration with or without Will has been filed as stated in the petition. Therefore, there is no impediment to the grant of relief sought. The petition is made absolute in favour of (1) Mr.Marappa Ramappa Baini ; (2) Mr.Yellu Marappa Baini ; (3) Mrs.Yellamma Chandrashekhar Chalwadi (Nee-Yellamma Marappa Baini) ; (4) Mr.Ravi Marappa Baini ; (5) Mrs.Anita Mahesh Chalwadi (Nee- Anita Marappa Baini) and (6) Mr.Parmesh Marappa Baini.

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)