

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

MISCELLANEOUS PETITION NO.40 OF 2017

Gayatri Sudhakar Shetty

....Petitioner

Vs.

Sudhakar Nilay Shetty

....Deceased

Mr. C.M. Lokeshappa for petitioner.

Mrs. Gayatri Sudhakar Shetty, petitioner present in person.

Mr. Sudhir Sudhakar Shetty, son of petitioner present in person.

Mr. Abhishek Sudhakar Shetty, son of petitioner present in person.

CORAM : K.R.SHRIRAM, J.

DATE : 5th APRIL, 2017

P.C.:

1 Accepted. The petitioner is the widow of the deceased and one of the legal heirs. The other three legal heirs, i.e., three sons 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.

2 The petitioner seeks Legal Heirship Certificate under Section 2 of Bombay Regulation VIII of 1827, in respect of late Sudhakar Nilay Shetty, who is said to have died intestate on 1st January, 2016 in Mumbai, where he was ordinarily resident. A copy of the death certificate is also annexed to the petition.

3 The deceased was survived by his widow (the petitioner) and three sons. All the three sons have filed a joint consent affidavit affirmed

on 19th September, 2016. Two of the sons, viz., Sudhir Sudhakar Shetty and Abhishek Sudhakar Shetty are present in court. So also the petitioner. Mr. Lokeshappa, counsel for petitioner also identifies all the three persons.

4 During his lifetime, the deceased had various properties in his name at Marne Village, Ajekaru, Karkala Taluka, Udupi District. The Legal Heirship Certificate is required for transfer of the properties in the name of the petitioner and three sons.

5 It is stated in the petition that no application has been filed in any Forum for grant of any Probate or for Letters of Administration with or without the Will or for Legal Heirship Certificate. Therefore, I do not find any impediment to the grant of the relief as sought.

6 The petition is made absolute in terms of prayer clause – (a) in favour of the persons mentioned in the tabulation below paragraph 4 of the petition, viz., (1) Gayatri Sudhakar Shetty, (2) Sudhir Sudhakar Shetty, (3) Sudesh Sudhakar Shetty and (4) Abhishek Sudhakar Shetty.

7 All concerned to act on an authenticated copy of this order.

(K.R. SHRIRAM, J.)