

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

MISCELLANEOUS PETITION NO.3 OF 2017

Siddhesh Ratnakar Pagare

....Petitioner

Vs.

Kamal Ratnakar Pagare

....Deceased

Mr. Rajendra Satale for petitioner.

Ms. Dhanshree R. Pagare and Ms. Riddheki R. Pagare, Noticees present.

CORAM : K.R.SHRIRAM, J.

DATE : 5th APRIL, 2017

P.C.:

1 On 25th January, 2017 the petition was accepted and proclamation was directed to be issued. Notice was also specifically directed to be issued to Dhanshree Ratnakar Pagare and Riddheki Ratnakar Pagare, the two other legal heirs mentioned in the tabulation below paragraph 4 of the petition. Both Dhanshree Ratnakar Pagare and Riddheki Ratnakar Pagare are present in court and also confirm that they have signed the consent affidavits both dated 29th August, 2016. 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 Kamal Ratnakar Pagare, who is said to have died intestate on 26th February, 2015 in Mumbai, where she was ordinarily resident. A copy of the death certificate is also annexed to the petition.

3 The deceased was survived by the petitioner (son) and two daughters, both of whom have consented to the grant of the Legal Heirship Certificate. The husband of the deceased predeceased the deceased.

4 During her lifetime, the deceased was working in Brihan Mumbai Mahanagar Palika in the Education Department. The petition is filed for Legal Heirship Certificate to enable the petitioner to apply for job in Brihan Mumbai Mahanagar Palika on compassionate ground in place of the deceased.

5 It is stated in the petition that no other petition or application has been filed in any Forum for Probate or Legal Heirship Certificate or Letters of Administration with or without the Will. 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) Siddhesh Ratnakar Pagare, (2) Dhanshree Ratnakar Pagare and (3) Riddheki Ratnakar Pagare.

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

(K.R. SHRIRAM, J.)