

Varsha

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 121 OF 2017**

Barkya Gangaram Ghawali	...Deceased
<i>And</i>	
Suchita Suresh Gautad	...Petitioner

Mr Hemant Ghadigaonkar, *for the Petitioner.*

**CORAM: G.S. PATEL, J
DATED: 30th January 2018**

PC:-

1. Accepted. Since all the heirs have consented, issuance of proclamation is dispensed with. The Petition is made returnable forthwith and is taken for hearing and final disposal.

2. The Petition is for a Legal Heirship Certificate under Section 2 of Bombay Regulation VIII of 1827 in respect of one Barkya Gangaram Ghawali, who is said to have died intestate in Mumbai, where he was ordinarily resident, on 29th November 1986. A copy of his death certificate is annexed.

3. The deceased left no Will. No petition has been filed for probate, Letters of Administration with or without Will annexed or Succession Certificate.

4. During his lifetime, the deceased was ordinarily residing at Room No. G-29, Kawaliwadi, New Patra Shed, New Prabhadevi Road, Mumbai 400 025. He also left property within Greater Mumbai.

5. The deceased was survived by the heirs whose names are mentioned in the tabulation below Paragraph 4. The Consent Affidavits are annexed from page 20 to 35. The wife of the deceased died before him and another son Balwant Barkya Ghawali died on 31st December 1998 leaving behind him one son and three daughters, whose names are also mentioned in this tabulation. Another son Pramod Barkya Ghawali died on 28th July 2014 and was survived by his widow Pramila. Her name is also shown in the tabulation. There are no other heirs.

6. The Legal Heirship Certificate is required for production before the Deputy Collector (Encroachment and Removal) and also to the Municipal Corporation of Greater Mumbai for entering the name of the Petitioner in the Annexure-II being prepared in a Slum Rehabilitation Scheme. There is no impediment to the grant of relief.

7. The Petition is made absolute in terms of prayer clause (a) in favour of the heirs mentioned in paragraph 4, namely Milind Barkya Ghawali, Suchita Suresh Gautam alias Suchita Barkya Ghawali, Pramod Barkya Ghawali since deceased, Pramili Pramod Ghawali, Balwant Barkya Ghawali since deceased, Sachin Balwant Ghawali,

Smt. Mayuri Manohar Machivale, Mrs. Sakshi Sanjay Jogale,
Sheetal Umesh Chavan.

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

(G. S. PATEL, J)