

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 144 OF 2017**

Bhikaji Bala Barke ...Deceased

Ramesh Shankar Bombatkar ...Petitioner

**Mr Abhijeet K Naik, with Mr Raj Gupta, i/b Mr Rajesh P
Khobragade, for the Petitioner.**

**CORAM: G.S. PATEL, J
DATED: 19th March 2018**

PC:-

1. The Petition is accepted and a proclamation issued pursuant to the order dated 15th November 2017.

2. The Petitioner says he is a nephew of the deceased *Bhikaji Barake Shinde*. The Petition says that the deceased was also known as *BB Barke*. The deceased's death certificate at page 18 is in the name of *Shinde Bhikaji Barake*. That in itself is an unresolved inconsistency, but what makes matters exceedingly problematic is that the Heirship Certificate is said to be required for a MHADA allotment; and the allotment letter at pages 20 and 21, in fairness pointed out by the learned Advocate for the Petitioner, shows two names: *BB Barke* and *Bhikaji Bala Barke*.

3. Then there is an Affidavit of the Petitioner from page 23 onwards which notes these discrepancies but purport to says that these names, i.e., *Bhikaji Barake Shinde*, *BB Barke* and *Bhikaji Bala Barke*, as also presumably the name in paragraph 1 of the Petition, *Bhikaji Barake Shinde*, all refer to the same person.

4. We have only a statement of the Petitioner to show this. There is no other document to show this. The Heirship Certificate is needed for MHADA, the very authority whose records show a name quite different from that of the deceased's death certificate.

5. In my view, it would not be appropriate or prudent to allow the Petition in a situation like this. The Petition is dismissed.

6. The Petitioner is at liberty to make a fresh application with appropriate material if available.

(G. S. PATEL, J)