

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 70 OF 2018**

Narsingh Bugappa Puldeo Alias Narsingh Bugappa Kuldev	...Missing Person
<i>Versus</i>	
Bugappa son of Narsingh Puldeo	...Petitioner

Mr SU Lakdawala, *for the Petitioner.*

CORAM: G.S. PATEL, J
DATED: 21st June 2018

PC:-

1. Accepted. The Petition seeks two reliefs. The first is a declaration under Section 108 of the Evidence Act that Narsingh Bugappa Puldeo Alias Narsingh Bugappa Kuldev be presumed to be dead having been missing for the last seven years.

2. It seems that Narsingh left his residence at room No. 114, Opp Ganesh Tailor, Mukund Nagar, 'C' ward, Dharavi, Mumbai 400 017 on 19th June 1995 for work at his office at PWD Department, Santacruz, Mumbai. He never returned. He has not been heard for the last seven years. His wife made enquiries with relatives and friends including at their native place in Karnataka. None have heard from Narsingh.

3. The Petitioner's mother lodged a Missing Person's complaint No. 52/95 on 21st June 1995. She was then issued a certificate on 25th September 1995 by the Crime Branch that Narsingh had not been traced. On enquiry with the Missing Persons Bureau, Mumbai, a certificate was issued on 30th August 2002 and again on 18th January 2003 confirming that he had not been traced. The Vakola Police Station similarly made a further report on 18th January 2003. There are other certificates as recent as 21st August 2017 and 22nd February 2018. A newspaper advertisement dated 11th March 2018 has also yielded no result.

4. In the result, there will be an order in terms of prayer clause (a).

5. The Petitioner is the son of the deceased. He seeks a Legal Heirship Certificate under Section 2 of Bombay Regulation VIII of 1827. The deceased had three other sons and all have consented. For these reasons I dispense with issuance of proclamation, make the Petition returnable forthwith and take it up for hearing and final disposal.

6. In the circumstances set out above, the deceased can be said to have died intestate.

7. He had no other heirs.

8. The legal heirship certificate is required for production before the PWD department for service dues and for employment on compassionate ground as also for similar purposes.
9. No other Petition for an heirship certificate, succession certificate, probate or letters of administration with or without Will annexed has been filed. There is no impediment to the grant of relief.
10. The petition is also made absolute in terms of prayer clause (b) in favour of all the heirs mentioned in the Petition.
11. The certificate will be issued expeditiously.
12. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J)