

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 105 OF 2017**

Ramila Ramesh Shenoy	...Petitioner
<i>And</i>	
Ramesh Govind Shenoy	...Deceased

Ms Pinky Bhansali, i/b Pushpa Thapa, for the Petitioner.

**CORAM: G.S. PATEL, J
DATED: 9th March 2018**

PC:-

1. On 5th October 2017, SC Gupte J accepted the Petition and directed notice to be issued to the mother of the deceased, Mrs Deoo Govind Shenoy. Thereafter, the Petitioner has served the deceased's mother privately. There is an Affidavit of Service dated 8th March 2018. This shows that service was effected on Mrs Deoo Govind Shenoy on 7th February 2018 and her acknowledgement signature obtained. The Affidavit of Service is taken on record.

2. The Petitioner seeks a Legal Heirship Certificate under Section 2 of Bombay Regulation VIII of 1827 in respect of one Ramesh Govind Shenoy, who is said to have died in Nalasopara on 1st July 2016. A copy of his death certificate is annexed. At the time of his death the Petitioner lived with his wife, his children and his

mother, Mrs Deoo Govind Shenoy at A-303, Naleshwar Niwas, Alkapuri Marg, Nalasopara (East), Taluka Vasai, Palghar. However, the deceased had property in Mumbai.

3. The deceased was survived by his mother, the Petitioner and three minor children, two daughters and a son. The names of these heirs are set out below paragraph 3 of the Petition. The Petitioner is the widow of the deceased. The deceased's father died before him. The mother has been given notice but has not filed any affidavit in objection.

4. During his lifetime, the deceased worked as a sweeper with the MCGM for about 11 years. The Legal Heirship Certificate is required for the widow to apply to the MCGM for employment on compassionate grounds.

5. No Will is found. No other Petition for a 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.

6. The petition is made absolute in terms of prayer clause (a) but in respect of all the heirs set out in the table below paragraph 3, namely, Mrs Deoo Govind Shenoy, Mrs Ramila Ramesh Shenoy, Vidya Ramesh Shenoy, Hitesh Ramesh Shenoy and Janavi Ramesh Shenoy.

7. Ms Bhansali says that the deceased's mother (the Petitioner's mother-in-law) is trying to get the MCGM to give employment to her daughter, the deceased's sister, on compassionate grounds, and therefore the mother should not be included in the heirship certificate. That is why the prayer requests the legal heirship certificate be issued only to the Petitioner, the deceased's widow. That is not possible, and the submission is untenable. The mother, Deoo Govind Shenoy, is also an heir, as are the children. The certificate will issue in the names of all the heirs. It is however clarified that the deceased's, viz., Ramesh Govind Shenoy's, sister is *not* a legal heir of the deceased. If the extant MCGM policy is to consider an application by a legal heir of a deceased employee for employment on compassionate grounds, then evidently the deceased's sister would not be eligible in that category. This is sufficient clarification.

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

(G. S. PATEL, J)