

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 92 OF 2018**

Olekengal Kunjuvareed Anthony Alias Olekengal ...Deceased
K Anthony Alias OK Anthony

Joseph Augustine Mampilly ...Petitioner

Mr SU Lakdawala, *for the Petitioner.*

CORAM: G.S. PATEL, J
DATED: 5th July 2018

PC:-

1. Accepted. All the heirs are consented. Hence, proclamation dispensed with. The Petition is made returnable forthwith and taken up for hearing and final disposal.

2. The Petition seeks a Legal Heirship Certificate under Section 2 of Bombay Regulation VIII of 1827 in respect of one Olekengal Kunjuvareed Anthony, who died intestate in Mumbai, where he was ordinarily resident, on 12th July 1963. A copy of his death certificate is annexed. At the time of his death the deceased resided at 64/2293, Tilak Nagar, Township Colony, Chembur, Mumbai 400 089. He also left property in Velur Village in Kerala.

3. The deceased was survived by the heirs whose names are set out in the tabulation below paragraph 4 of the petition. Amongst the heirs today are the great grand children of the deceased. The deceased had only one daughter and no sons. His wife died on 24th November 1981. His parents died before him. His only daughter died on 14th May 2014. She had two sons and two daughters. The two daughters died before her. Thus, the heirs of the predeceased daughter are also listed in paragraph 4.

4. The heirship certificate is sought in respect of an application for transfer of the land at Velur village, Kerala and for production before the Land and Revenue Authorities in Kerala.

5. 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) in favour of all the heirs namely, II(a) Mr Joseph Augustine Mampilly, II(b) Mr Anthony Augustine Mampilly, II(c)(i) Mr Ansel Sebastian Arakal, II(c)(ii) Mr Anmol Sebastian Arakal, II(d)(i) Mr Donbosco Daniel Kuttikal.

7. Certificate be issued expeditiously. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J)