

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 176 OF 2017**

Hirachand Bhawanji Momaya	...Petitioner
<i>And</i>	
Bhawanji Kuvarji Momaya	...Deceased

Ms Jyotsna Pandhi, *for the Petitioner.*
Mr Vijay Upadhyay, *for Mahendra Bhawanji Momaya, one of the
legal heir.*

CORAM: G.S. PATEL, J
DATED: 6th June 2018

PC:-

1. One of the heirs Mahendra Bhawanji Momaya is represented and he does not consent to the grant of a Legal Heirship Certificate for the purpose mentioned in paragraph 5, i.e. application for transfer of a residential tenement. He does not dispute that the persons listed in the table below paragraph 3 are indeed the heirs.
2. Having regard to the provisions of Bombay Regulation VIII of 1827, it is not possible to grant the relief in a situation such as this.
3. Affidavit in Reply to be filed in the Registry.
4. The Petition is dismissed. There will be no order as to costs.

5. However, all contentions and remedies that are available to the Petitioner and other heirs in law are specifically kept open and will remain unaffected by the present order.

(G. S. PATEL, J)