

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 168 OF 2017**

Vijay Pandurang Khedekar & Santosh P Khedekar	...Petitioners
<i>And</i>	
Madhusudan Ganpat Khedekar	...Deceased

Mr Manoj M Mane, *for the Petitioners.*

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

PC:-

1. On 10th January 2018, I accepted the Petition and directed the issuance of proclamation. There is an Affidavit of 3rd February 2018 proving issuance of proclamation. No one has come forward to oppose.

2. The Petitioners are nephews of the deceased, i.e., his pre-deceased brother's sons. They seek a Legal Heirship Certificate under Section 2 of Bombay Regulation VIII of 1827 in respect of their paternal uncle, one Madhusudan Ganpat Khedekar, who died in Mumbai, where he was ordinarily resident, on 6th June 2016. A copy of his death certificate is annexed.

3. The deceased was the owner of Suhas Desi Bar at Sewree and hold a license No. CL III No. 42 issued by the Collector.

4. The Legal Heirship Certificate is required for transfer of this license.

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. Having regard to the facts and circumstances of the case, the petition is made absolute in terms of prayer clause (a), which reads thus:

"(a) That a Legal Heirship Certificate be issued, Certifying that 1) Vijay Pandurang Khedekar (Nephew and Petitioner No. 1 herein) 2) Santosh Pandurang Khedekar (Nephew and Petitioner No. 2) are the only heirs and Legal representatives of the deceased under the provision of Bombay Regulation Act VIII of 1827."

7. **Issuance of Heirship Certificate is expedited.**

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

(G. S. PATEL, J)