

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 106 OF 2017**

Sitaram S Karpe	...Missing Person
<i>And</i>	
Ravindra Sitaram Karpe	...Petitioner

Mr BG Saraf, for the Petitioner.

**CORAM: G.S. PATEL, J
DATED: 1st March 2018**

PC:-

1. The Petition seeks combined relief under Section 108 of the Evidence Act and Section 2 of Bombay Regulation VIII of 1827 in respect of one Sitaram S Karpe, resided at 5, Jagannath Shivnayak Chawl, Samarth Nagar, Jogeshwari (East), Mumbai 400 060.

2. On 3rd January 2006, the deceased left his home at this place. He never returned. He was not been heard from or seen since. The Petitioner filed a missing persons' complaint at the Meghwadi Police Station. Later, the police authorities have confirmed by a Certificate of 30th August 2016 that Sitaram has not been traced. It is submitted that Sitaram is missing for more than seven years, and not found till date; hence he be declared presumed dead.

3. Sitaram has left Sunanda as his widow, three sons and a married daughter. One of the sons Ravindra is the present Petitioner. The other heirs have granted consent.
4. The Petition was accepted on 1st November 2017 and the proclamation was ordered to be issued. None have come forward.
5. The Legal Heirship Certificate is required for submission before the MHADA in respect of a Gala.
6. 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.
7. The petition is made absolute in terms of prayer clauses (a) and (b), which read thus:
 - "(a) That Mr Sitaram Shankar Karpe missing person may be declared dead as per Indian Evidence Act.
 - (b) That this Hon'ble Court be pleased to grant the Legal Heirship Certificate certifying that the Petitioner along with Shankar Sitaram Karpe, Rajendra Sitaram Karpe, Shankar Sitaram Karpe and Mrs Shraddha Sunil Koregaonkar are the legal heirs and representatives of the said missing person Shri Sitaram Shankar Karpe under the provision of Bombay Regulation Act VIII of 1827."
8. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J)