

Varsha

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 1 OF 2018**

Babasaheb Vishnu Bhandare	...Deceased
<i>And</i>	
Sangita Alias Sangeeta Babasaheb Bhandare	...Petitioner

Mr Manoj Mane, *for the Petitioner.*

CORAM: G.S. PATEL, J
DATED: 30th January 2018

PC:-

1. Accepted. The only other heir having consented, issuance of proclamation is dispensed with. Petition is made returnable forthwith and is taken for hearing and final disposal.

2. The Petitioner seeks a Legal Heirship Certificate under Section 2 of Bombay Regulation VIII of 1827 in respect of one Babasaheb Vishnu Bhandare, who is said to have died intestate in Mumbai, where he was ordinarily resident, on 5th August 2013. A copy of his death certificate is annexed.

3. The deceased was survived by the Petitioner, his widow, one son Bipin, 19 years old, and his mother Shalan. There are no other heirs. The deceased's father died before him.

4. During his lifetime, the Petitioner had fixed a residence at Chawl No. 176, Room No. 2756, Group No. 8A, Tagore Nagar, Vikhroli (East), Mumbai 400 083 and also left property in Mumbai and Maharashtra.

5. During his lifetime, the deceased, by an Agreement dated 13th April 2011 purchased an under-construction Flat No. 407, 4th floor, situated in building No. A-2, Neptune Swarajya Complex village Ambivali, Taluka Kalyan, District Thane. A Legal Heirship Certificate is required for production and delivery to the developer, Neptune Developers Ltd, so that possession of the flat may be taken.

6. No petition has been filed for probate, Letters of Administration with or without Will annexed or Succession Certificate. There is no impediment to the grant of relief.

7. The Petition is made absolute in terms of prayer clause (a), which reads thus:

"(a) That a Legal Heirship Certificate, be issued Certifying that Sangita alias Sangeeta Babasaheb Bhandare (Widow and Petitioner herein) (2) Bipin Babasaheb Bhandare (the Son) and (3) Shalan Vishnu Bhandare (the Mother) are the only heirs and Legal representatives of the deceased 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)