

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 25 OF 2018
WITH
NOTICE OF MOTION NO. 276 OF 2017**

Jayalaxmi Vyankatesh Alias Jayalaxmi Vyankatesh Maling	...Petitioner
<i>And</i>	
Vyankatesh Tulshya	...Deceased

Mr Prabhu Velar, i/b Hajra N Shaikh, for the Petitioner.

**CORAM: G.S. PATEL, J
DATED: 3rd May 2018**

PC:-

Notice of Motion No. 276 of 2017:

1. For the reasons set out in the Affidavit in Support of the Notice of Motion, the Notice of Motion is made absolute. Miscellaneous Petition No. 25 of 2018 is restored to file.

Miscellaneous Petition No. 25 of 2018:

2. Accepted. All other heirs have granted consent. Hence, proclamation dispensed with. The Petition is taken up forthwith for hearing and final disposal.

3. The Petitioner seeks a Legal Heirship Certificate under Section 2 of Bombay Regulation VIII of 1827 in respect of one Vyankatesh Tulshya, who is said to have died intestate in Mumbai, where he was ordinarily resident, on 29th April 2008. A copy of his death certificate is annexed. The deceased was survived by his mother, widow, and two children. The daughter, Indira has attained majority. The son is still minor. Their names are mentioned in the tabulation below paragraph 4 of the petition. The Petitioner is the widow of the deceased.

4. The Legal Heirship Certificate is required for the purposes of submission to a bank to retrieve the original title documents to a flat of which the deceased was the owner.

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 the persons mentioned in the table below paragraph --, namely, Bajaramma Tulsya Maling, Jayalaxmi Vyankatesh Alias Jayalaxmi Vyankatesh Maling, Indira Venkatesh and Eranna Venkatesh.

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

(G. S. PATEL, J)