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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

MISC. PETITION NO. 207 OF 2023

Nandkumar Krishna Mulki alias Nandkumar K.
Mulki alias Nandkumar K Mulaki .. Deceased

Pramila Krishna Mulki .. Petitioner

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- Mr. Uttam Rane, Advocate for Petitioner.
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CORAM : MILIND N. JADHAV, J.

DATE : JUNE 06, 2023.

P.C.:

- 1.** Heard Mr. Rane, learned Advocate for Petitioner.
- 2.** At the outset, Mr. Rane has sought leave of the Court to amend the Petition and seek legal heirship certificate in the name of the Petitioner (mother) and wife of the deceased namely Nidhi Nandkumar Mulki jointly. He has requested the Court to consider the request of the Petitioner and grant legal heirship certificate in the name of the mother and wife (widow) of the deceased who are his only surviving heirs. Leave to amend is granted. Amendment to be carried out forthwith. Re-verification stands dispensed with.
- 3.** The present Misc. Petition as originally filed was for issuance of legal heirship certificate in the sole name of the Petitioner declaring her as the legal heir of deceased late Nandkumar Krishna Mulki for

seeking service/job in the Sir J.J. Group of Hospitals, Mumbai on compassionate ground. It is seen that the Petitioner is the mother of the deceased and she is 69 years old as stated in the Petition.

4. In that view of the matter, she cannot gain service or job on compassionate ground considering her age. Mr. Rane has therefore drawn my attention to paragraph No.6 of the Petition which states that after the demise of her son who was working as a Ward Boy, she is desirous of appointing the Petitioner's nephew as on compassionate grounds in place of the deceased. Mr. Rane has drawn my attention to the letter dated 23.08.2022 of the Sir J.J. Group of Hospitals, Mumbai directing the Petitioner to submit legal heirship certificate.

5. Record reveals that apart from the Petitioner the deceased is also survived by his wife Nidhi Nandkumar Mulki.

6. Mr. Rane would submit that at present the wife does not live with the mother and has been residing separately at her village in Ratnagiri at the address shown against her name in paragraph No.4 of the Petition. He does not dispute that the wife would be entitled to the estate of the deceased alongwith the mother as also the job on compassionate grounds in place of the deceased. The wife is however not aware about this Petition. If the purpose for which the Petition is filed by the mother is seen, then it will be prejudicial to the substantive right of the wife of the deceased. For this the consent

Affidavit of the wife will be required.

7. *Prima facie*, it is seen that the wife (widow) will be entitled to seek the job on compassionate grounds. Registry is therefore directed to serve a copy of this order on the wife of the deceased Ms. Nidhi Nandkumar Mulki at her address at post Olgaon, Dapoli, District Ratnagiri. A copy of this order shall also be sent by the Registry to the Sir J.J. Group of Hospitals Mumbai, where the deceased was living and serving prior to his demise.

8. Be that as it may, in so far as the present Petition is concerned, it is clarified that the legal heirship certificate in the prescribed form is granted by this Court jointly to the Petitioner Pramila Mulki (mother) and the wife Nidhi Nandkumar Mulki (widow) of the deceased.

9. With the above directions, Misc. Petition is disposed.

[MILIND N. JADHAV, J.]

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