

Ajay

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

MISC. PETITION NO. 180 OF 2022

Shikhare Savitribai Ramchandra .. Deceased

Krishna Ramchandra Shikhare .. Petitioner

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• Mr. S.D. Bhandary, Advocate for Petitioner.

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CORAM : MILIND N. JADHAV, J.

DATE : JUNE 09, 2023.

P.C.:

- 1.** Heard Mr. Bhandary, learned Advocate for Petitioner.
- 2.** Present Misc. Petition is filed by the Petitioner for issuance of legal heirship certificate under Section 2 of the Bombay Regulation VIII of 1827 in respect of claim to the estate deceased Savitribai Ramchandra Shikhare. Deceased Savitribai R. Shikhare is survived by two legal heirs i.e. Suresh Ramchandra Shikhare (son) and Kusum Prabhakar Shinde (daughter) who are the brother and sister of the Petitioner. The details are given in paragraph No.3 of the Petition.
- 3.** By order dated 20.02.2023 liberty was granted to the Petitioner to serve the proclamation by way of substitute service
- 4.** Mr. Bhandary has placed on record the Affidavit of service in respect of publication of the proclamation in two local newspapers as required by law. Affidavit of service dated 27.03.2023 is taken on

record and marked 'X' for identification. I have perused the said Affidavit of service and the newspapers report which have been published in respect to the proclamation.

5. Today, none appears for Suresh R. Shikhare and Kusum P. Shinde.

6. Purpose for filing the present Petition is in paragraph No.10 which reads thus:-

*"10. The Petitioner has truly set forth in the Schedule, hereto annexed and marked **Exhibit E** is the debts and securities in respect of which the legal Heirship Certificate is required and for purpose of producing before the concerned Mumbai Housing and Area Development Board, Bandra East, Mumbai 51 to effectively regularise/transfer the residential house being Room No.22, Building No.6, 1st Floor Mahatma Gandhi Co-operative Housing Society Ltd., Dharavi Koliwada, Mumbai 400 017 into his name from that of his deceased mother. The Mumbai Housing and Area Development Board Authority's record it is not transferred into his name effectively. The said assets of residential premises in respect of which the legal heirship Certificate is required are of the value of about Rs.35,00,000/- (Rupees Thirty-five Lakhs only)"*

7. In view of the above, present Misc. Petition is allowed and disposed of in terms of prayer (a) which reads thus:-

*"(a) Legal Heirship Certificate may be granted thereby certifying **KRISHNA RAMCHANDRA SHIKHARE, SURESH RAMCHANDRA SHIKHARE and KUSUM PRABHAKAR SHINDE** be recognised as Legal Heirs and representatives of the deceased."*

8. Misc. Petition is disposed.

[MILIND N. JADHAV, J.]