

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY & INTESTATE JURISDICTION

MISC. PETITION NO. 126 OF 2023

Alpana Vinayak Gosavi .. Deceased

Nilay Vinayak Gosavi .. Petitioner

- Mr. Prabhu Velar for Petitioner

CORAM : MILIND N. JADHAV, J.

DATE : JUNE 05, 2023

P.C.:

1. Heard Mr. Velar, learned Advocate for Petitioner.
2. Present Misc. Petition is filed by the Petitioner for issuance of legal heirship certificate under Section 2 of Bombay Regulation VIII of 1827 in respect of deceased Alpana Vinayak Gosavi, resident of Thane. Deceased Alpana is survived by three legal heirs i.e. Vinayak (husband), Petitioner – Nilay (son) and Sonali (daughter).
3. Purpose for filing the present Petition is in paragraph No. 8 which reads thus:-

“8. The Petitioner states that the Heirship Certificate is required to transfer the Flat in the name of the Petitioner i.e. Nilay Vinayak Gosavi being a flat No. B-8 admeasuring 540 sq.ft. Carpet area i.e. 50.185 sq. Mts. Carpet area is situated at M/s. D.N. Nagar Ratnasamuh (H.I.G.) Co-operative Housing Society Ltd, New D.N. Nagar, Juhu Darshan, Andheri (W), Mumbai – 400 053 bearing Share Certificate No. 1458 holding 5 shares of Rs. 50/- each full paid up of Rs. 250/- from Share No. 36 to 40 (both inclusive) issued dated 08.11.1998 standing in the name of the deceased and to produce the same before the office of the Co-operative Housing Society. Hereto annexed and marked as Exhibit-G is the Schedule of Assets.”

4. Two separate consent affidavits dated 26.09.2022 of Mr. Vinayak Gosavi (husband) and Ms. Sonali Alwa (daughter) are filed on record giving their consent in paragraph No 4. thereof.

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

“(a) this Hon’ble Court be pleased to issue a Legal Heirship Certificate to the Petitioner under the provisions of Bombay Regulation VIII of 1827 certifying that (1) Vinayak Janardhan Gosavi (Husband) (2) Sonali Sunil Alwa (daughter) (3) Nilay Vinayak Gosavi (Son) are the only legal heirs of the deceased i.e. Alpana Vinayak Gosavi.

(b) Issuance of Proclamation be dispensed with.”

[MILIND N. JADHAV, J.]

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