

Sharayu.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 80 OF 2015**

Mr. John Peter Anthony Vaz

...Petitioner

And

Peter Francis Vaz

...Missing person

Ms. Cynthia Pereria, *for the Petitioner.*

CORAM: G.S. PATEL, J

DATED: 28th August 2015

PC:-

1. The Petitioner is the son of the deceased, one Peter Francis Vaz, who is said to have been missing for the last 19 years. The application is for a declaration that the deceased is presumed dead; and for an heirship certificate under Bombay Regulation VIII of 1927.

2. In regard to his father's disappearance, the Petitioner says that he has filed a missing person complaint with the Byculla Police Station on 25th October 1996. On 31st October 1996 a public notice with a photograph of the deceased was published in a newspaper. There was no response to that advertisement and the Police too have not been able to trace the deceased. On 23rd August 2014 the Petitioner asks the Byculla Police Station for an updated status of

their enquiries. On 10th February 2015 Byculla Police Station issued a final report closing the enquiry. A copy is annexed. The Petitioner also says that his family and friends have sought to trace the missing person, but no avail.

3. At the time when he was last seen, the Peter Francis Vaz lived in Mumbai. He had two daughters and son. The Petitioner states that Peter Francis's wife, parents and grandparents passed away before 25th October 1996. I had dispensed with the issue of the proclamation by an order dated 17th August 2015.

4. No testamentary writing has been found. No other petition for an 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.

5. The petition is made absolute in terms of prayer clauses (a) and (b), which read as follows:-

“(a) That this Hon'ble Court may be pleased to declare and make an order of presumption of death of the said Missing person Mr. Peter Francis Vaz as presumed to be dead under section 108 of the Indian Evidence Act, 1908;

(b) That this Hon'ble Court may be pleased to issue the Heirship Certificate recognising persons named in paragraph 8 of the petition as the legal Heir of the said Missing person Mr. Peter Francis Vaz under the provision of the Bombay Regulation Act VIII of 1827.”

6. All concerned to act on an authenticated copy of this Order.

(G. S. PATEL, J.)