

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 48 OF 2015**

Mario Anecleto Fernandes	...Deceased
<i>And</i>	
Maria Guilhermina Fernandes	...Petitioner

Mr. Anand Kumar Singh, for the Petitioner.

**CORAM: G.S. PATEL, J
DATED: 10th June 2016**

PC:-

1. Heard. One of the legal heirs, the one mentioned at Sr. No. 3 of the table below paragraph 5, has not consented. A proclamation has been issued. An Affidavit to that effect is on record. The non-consenting heir has been served twice. There is no Affidavit in Reply or opposition to this Petition. Packets sent to the non-consenting heir have been returned with the remark “unclaimed”.

2. The Petitioner seeks a Legal Heirship Certificate under Section 2 of Bombay Regulation VIII of 1827 in respect of one Mario Anecleto Fernandes, who is said to have died intestate in Goa, on 3rd September 2006. At the time of death, his fixed place of residence was Flat No. 202, Goodwill SRA co. op. Housing Society FP No. 425, N. P. Thakkar Road, Vile Parle (East), Mumbai 400 057. A copy of his death certificate is annexed. The Petitioner is the

widow. The other heirs whose names are mentioned in the tabulation below paragraph 5 of the petition have consented, except for one, who has been, or is deemed to have been served and who has not opposed this Petition.

3. The Legal Heirship Certificate is required in respect of an immovable property at Vile Parle and for submission to the Slum Rehabilitation Authorities.

4. 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.

5. The petition is made absolute in terms of prayer clause (a), which reads thus:

“(a) that a Legal Heirship Certificate Certifying that 1) Maria Guilhermina Fernandes, the widow and Petitioner, 2) Mrs. Carmina Gomes, the married daughter, 3) Mr. Caetan Jose Fernandes, the Son, 4) Mrs. Martha Vaz, the married daughter, 6) Remediana Bernard Fernandes, Daughter-in-Law, and 7) Benitarosanne Fernandes, the Grand Daughter-in, are the only heirs and legal representative of the deceased under the provision of Bombay Regulation VIII of 1827.”

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

(G. S. PATEL, J.)