

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

MISC. PETITION NO.153 OF 2016

Mark John D'souza & Ors.Petitioners

Vs.

Lily Mark D'souzaDeceased

Mr. Lalith Nair i/b. Nair and Nair Associates for the petitioner.

CORAM : K.R.SHRIRAM, J.

DATE : 25th JANUARY, 2017

PC.:

1 Accepted. The petitioners are the four legal heirs of the deceased Lily Mark D'souza, who died on or about 6th January, 2015. Since the petitioners are the only legal heirs of the deceased and their affidavits of consent are also annexed to the petition, issuance of proclamation is dispensed with. Miscellaneous Petition is made returnable forthwith and taken up for hearing and final disposal.

2 The petitioners seek a Legal Heirship Certificate under Section 2 of Bombay Regulation VIII of 1827, in respect of one Lily Mark D'souza, who is said to have died intestate in Mumbai, where she ordinarily resided, on 6th January, 2015. A photocopy of the death certificate is also annexed to the petition.

3 At the time of death, the deceased was survived by her husband (petitioner no.1) and three daughters, viz., petitioner nos.2,3 and

4. The petition has been signed by all the four legal heirs and verified by petitioner no.2. During her lifetime, the deceased owned various movable and immovable properties which are listed in paragraph 5 (i) to (iv) of the petition. The Heirship Certificate is required to transfer all those assets in the name of the petitioners.

4 It is stated in the petition that no other petition for Heirship Certificate or any other petition has been filed for obtaining any Probate or any Will or Letters of Administration with or without will and for issuance of succession certificate. Therefore, there is no impediment to the grant of relief as prayed for in the petition.

5 In the circumstances, the petition is made absolute in terms of prayer clause – (a) in favour of the petitioners, viz., (1) Mr. Mark John D'souza, (2) Mrs. Anita Alwyn D'cunha, (3) Mrs. Nancy Monis and (4) Mrs. Flavy Daisy Lasrado.

6 All concerned to act on a copy of this order duly authenticated by the Associate of this court.

(K.R. SHRIRAM, J.)