

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

MISC. PETITION (LODG.) NO. 2103 OF 2016

Mr. William D'lima

.. Deceased

Mr. Lovette Remedios & Ors.

.. Petitioners

Mr. Bhalchandra G. Saraf for petitioners.

CORAM : K.R.SHRIRAM, J.

DATE : 4TH APRIL, 2017

P.C.

1 The petition was accepted and proclamation was directed to be issued on 24th January 2017. The petitioners have filed an affidavit of one Jayesh Honmukhe affirmed on 20th March 2017 confirming service of the proclamation. The petitioners are seeking a legal heirship certificate under the provisions of Section 2 of Bombay Regulation Act VIII of 1827 in respect of one William D'lima who died intestate on 7th April 1982. The deceased was permanently residing at Mumbai. A copy of Death Certificate is also annexed at Exh.'A' to the petition. The deceased, at the time of his death, was a bachelor and when he died he left behind his brother Thomas D'lima who was married to one Flavy D'lima, (Thomas D'lima died on 7th March 1991 and his wife Flavy D'lima died on 21st October 2000), Alan D'lima brother of the deceased who died on 27th April 1999 and sister of the deceased Ms. Jessie Ann Gomes who died on 18th May 2001. Mr. Ulrich

Gomes who is son of Jessie Gomes (sister of the deceased) died on 30th December 2015. Children of Thomas D'lima and Mrs.Flavy D'lima are at Sr.Nos.1a-Ms. Lorraine Remedios, 1bb-Mr.Lendl Remedios and 1cc.Ms.Louella D'lima and children of Mrs.Jessie Ann Gomes are at Sr.Nos.3a to 3d.

2 All petitioners and others mentioned at Sr.Nos.1aa, 1cc, and 3a, 3e and all the legal heirs have consented to grant of the legal heirship certificate.

The deceased died as unmarried. The parents of the deceased predeceased the deceased. The property of the deceased is self acquired property consisting of a land and a structure "Guest House" standing thereon CTS No.13E, Village Aksa, Taluke Borivali. The heirship certificate is required for transferring this property in the name of all the legal heirs. It is also stated in the petition that no application has been made to any District Court or District Delegate or to any High Court for probate of Will of the deceased or for letter of administration with or without the Will.

3 In my view, there is no impediment to grant of reliefs as sought.

4 The petition is allowed in terms of prayer clause (a). Heirship

certificate granted in favour of (1) Mr.Lovette Remedios, (2) Mr.Lendl Remedios, (3) Mrs.Lumel D'souza, (4) Mrs.Louella D;lima, (5) Mrs. Rosebud Mathias, (6) Mrs.Yucca Gomes, (7) Mrs.Receda Cardoz, (8) Mr.Rudyard Gomes and (9) Mrs.Crystal Rebello.

5 All concerned to act on a copy of this order authenticated by the Associate of the Court.

Notwithstanding disposal of the miscellaneous petition, all office objections to be removed and petition to be numbered within one week from today.

(K.R. SHRIRAM, J.)