

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC.PETITION NO. 155 OF 2018

Bosco Anthony Gomes

..... Deceased

Philomena Xavier Gomes

..... Petitioner

Mr.Brijesh J. Gupta, a/w. Mr.Hitesh S.Pailwan for the Petitioner.

CORAM : R.D. DHANUKA, J.

DATE : 22nd DECEMBER, 2018

P.C.

By this Miscellaneous Petition, the petitioner who is mother of the deceased prays for grant of heirship certificate under section 2 of the Bombay Regulation Act VIII of 1827. The deceased Mr.Bosco Anthony Gomes expired on 6th March, 2016. A copy of the death certificate is annexed to the petition. It is stated in the petition that the deceased died intestate leaving behind no testamentary writing or a Will. The deceased died left no other heirs save and except whose names are mentioned in paragraph (4) of the petition. There are no next of kin left by the deceased.

2. The consent affidavits of the legal heirs both dated 12th July, 2018 giving their full and free consent for grant of the heirship certificate in favour of the petitioner without service of any citation/notice upon them and without justifying any surety in respect of their shares in the estate of the deceased are filed. Both the consent affidavits are taken on record. The statements made in the affidavit are

accepted. The proclamation is dispensed with. The petitioner has made out a case for grant of relief in terms of prayer clauses (a) and (b).

3. The Miscellaneous Petition is made absolute in terms of prayer clauses (a) and (b).

4. The Office is directed to issue heirship certificate expeditiously. No order as to costs.

[R.D. DHANUKA, J.]