

Sharayu Khot.

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

MISCELLANEOUS PETITION NO. 12 OF 2022

Lavina D'souza

...Petitioner

And

Rosie D'souza

...Deceased

Mr. S.U. Lakdawala for the Petitioner.

CORAM : R.I. CHAGLA J

DATE : 10 June 2022

ORDER :

1. By this Petition, the Legal Heirship Certificate is sought under Section 2 of Bombay Regulation VIII of 1827 in respect of the deceased Rosie D'souza, wife of Cyril D'souza, who expired in Mumbai on 4th October 2015. A copy of her death certificate is annexed at Exh.A to the Petition.

2. The deceased was survived by the Petitioner who is the daughter of the deceased as well as another daughter and son of the deceased, who are mentioned in the tabular form at paragraph 4 of

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the Petition. The husband of the deceased predeceased the deceased and the parents of the deceased also predeceased the deceased. Save and except the legal heirs mentioned in the tabular form at paragraph 4 of the Petition, no other legal heirs survived the deceased.

3. It is stated in paragraph 6 of the Petition that the Legal Heirship Certificate is required for the purpose of the transfer of immovable property situated in Karnataka and which belonged to the deceased and for which the Petitioner has approached the concerned authority wherein they have insisted for submitting the Legal Heirship Certificate.

4. The other heirs of the deceased have filed their Consent Affidavits which are on record. The Affidavit dated 10th February 2022 is filed by Lelwyn Cyril D'souza and Ms. Lorraine Cyril D'souza has filed Affidavit dated 9th March 2022. They have given their full and free consent in favour of the Petitioner for being granted the Legal Heirship Certificate without service of citation/proclamation and without justifying surety in respect of their share.

5. No other Petition for heirship certificate, succession certificate, probate or letters of administration with or without will annexed has been filed. I do not find any impediment to the grant of relief in the present Petition.

6. The Petition is accepted and made absolute in terms of prayer clause (a), which reads thus:-

“(a) That a Legal Heirship Certificate be granted in favour of Petitioner along with heirs mentioned in Para 4 above certifying them as legal heirs/representative of the said Deceased under the Provision of Bombay Regulation Act, VIII of 1827.”

7. Proclamation dispensed with.

8. Miscellaneous Petition is disposed of.

9. There shall be no order as to costs.

[R.I. CHAGLA J.]