

R.M. AMBERKAR
(Private Secretary)

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

MISC. PETITION NO. 148 OF 2023

Sebastian Louzado s/o Juan Xavier Louzado .. Deceased

Alfred Louzado s/o. Sebastian Louzado .. Petitioner

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- Mr. Darshit Jain i/by S.J. Nagasri for Petitioner
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CORAM : MILIND N. JADHAV, J.

DATE : JUNE 05, 2023

P.C.:

1. Heard Mr. Jain, learned Advocate for Petitioner. Perused the averments made in the Petition seeking legal heirship certificate of deceased Sebastian Louzado s/o. Juan Xavier Louzado. Sebastian died intestate leaving behind him the present legal heirs namely Alfred (son), Marina Castellino (granddaughter), Herman Castellino (grandson) being the children of Bonita Olive Castellino (pre-deceased married daughter of Sebastian and Elizabeth Louzado (daughter).

2. Mr. Jain would inform that Elizabeth Louzado has filed her consent affidavit dated 20.01.2023. He would submit that Respondent Nos. 2b and 2c have been served and affidavit of service to that effect dated 15.04.2023 is placed on record. I have perused the said affidavit which shows that Respondent Nos. 2b and 2c have been served at least on three occasions. Despite that they have not filed their consent affidavits. Mr. Jain would further submit that even

when the wife of Sebastian Louzado had expired in the past and similar consent affidavits were required to be filed for seeking Letters of Administration, Respondent Nos. 2b and 2c did not come forward and file the same, despite which the Letters of Administration were granted.

3. In the present case, considering that the service has already been effected on Respondent Nos. 2b and 2c and consent affidavit of Respondent No. 3 is already on record, the present Petition deserves to be allowed. The purpose for filing the present Petition is stated in paragraph No. 8 of the Petition.

4. In view of the above, present Misc. Petition is allowed and disposed of in terms of prayer clause (b) which reads thus:-

“b) That a Legal Heirship Certificate be issued under the provision of Bombay Regulation Act VIII of 1827 certifying that Petitioner along with the heirs mentioned in Para 4 are the only heirs and legal representatives of the said deceased.”

5. Issuance of proclamation stands dispensed with.

[MILIND N. JADHAV, J.]

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