

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.50 OF 2023**

Aureen Mary Rodrigues W/o. Gilbert Rodrigues ... Deceased

Pamela Fernandes D/o. Gilbert Rodrigues & Anr. ...Petitioners

Mr. Ankit Rajput for the Petitioners.

CORAM : ARIF S. DOCTOR, J.

DATE : 23RD JANUARY 2023

P.C. :

1. The Petitioners seek the grant of a Legal Heirship Certificate under the provisions of Section 2 of the Bombay Regulation VIII of 1827 in respect of one Aureen Mary Rodrigues W/o. Gilbert Rodrigues ('the deceased'), who died in Mumbai on 10/05/2015. A copy of the death certificate is annexed to the Miscellaneous Petition. It is stated that despite due and diligent search, no Will of the deceased has been found. It is therefore assumed that the deceased died intestate.

2. The deceased left behind her surviving as her only heirs and next of kin according to Indian Succession Act, 1925, the persons mentioned in the table in paragraph 4 of the Petition.

3. The reason for which the Legal Heirship Certificate is required is set out in paragraph 10 of the Miscellaneous Petition.

4. The consent affidavit of Mr. Nevil Gilbert Rodrigues is annexed to the Petition.

5. No other Petition for Legal Heirship Certificate, Succession Certificate, Probate or Letters of Administration with or without Will annexed has been filed. Therefore, there is no impediment in law to the grant of relief.

6. I have heard the learned Counsel appearing on behalf of the Petitioners as well as perused the said Petition. I find that the same is in order and deserves to be allowed in the interest of justice.

7. The Miscellaneous Petition is therefore allowed in terms of prayer clauses (a) and (b), which read as under :-

“(a) That a Legal Heirship Certificate be issued under the provision of Bombay Regulation Act VIII of 1827, certifying that (1) Pamela Fernandes D/o. Gilbert Rodrigues (Married Daughter of the Deceased and the Petitioner No1 herein), (2) Patricia Pereira D/o. Gilbert Rodrigues (Married Daughter of the Deceased and the Petitioner No.2 herein)

and (3) Nevil Gilbert Rodrigues (Son of the Deceased), are the only heirs and Legal Representatives of the Deceased abovenamed.

(b) That issuance of Proclamation be dispensed with."

8. The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same.

9. The Miscellaneous Petition is accordingly disposed of. There shall be no order as to costs.

(ARIF S. DOCTOR, J.)