

R.M. AMBERKAR
(Private Secretary)

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

MISC. PETITION NO. 134 OF 2023

Theresa Marie Ann Lobo .. Deceased

Andrew Joseph Lobo .. Petitioner

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• Ms. Radhika Vikas Warekar for Petitioner
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CORAM : MILIND N. JADHAV, J.

DATE : JUNE 05, 2023

P.C.:

1. Heard Ms. Warekar, learned Advocate for Petitioner.
2. Present Misc. Petition is filed by the Petitioner for issuance of legal heirship certificate under Section 2 of Bombay Regulation VIII of 1827 in respect of deceased Theresa Marie Ann Lobo, resident of Mumbai. Deceased Theresa is survived by two legal heirs i.e. Ms. Ingrid Maria Raj (daughter) and Petitioner – Mr. Andrew Joseph Lobo (son).
3. Purpose for filing the present Petition is stated in paragraph Nos. 9 and 10 of the Petition which reads thus:-

“9. The Petitioner submits that the legal heirs of the deceased are required to produce the Heirship Certificate before the concerned Government authorities and Semi Government authorities to complete legal formalities in order to enter their names as legal heirs of the deceased in all official records in India as well as for the purpose of filing Income Tax Returns of the deceased in India. The Petitioner submits that the heirship certificate is not sought for transfer of any monetary or immovable property of the deceased.

10. The Petitioner submits that he is seeking the heirship certificate

and declaration from this Hon'ble Court that the heirs mentioned in paragraph No. 4 herein above are the only legal heirs of the deceased in order to enable them to submit the same before concerned authorities in India and for the purposes more particularly described in paragraph No. 9 herein above."

4. Consent affidavit dated 29.12.2022 of Ingrid Maria Raj is filed on record giving her consent in paragraph No. 3 thereof.

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

"A) This Hon'ble Court be pleased to issue a Legal Heirship Certificate to the Petitioner under the provision of Bombay Regulation VIII of 1827 certifying that the Petitioner along with the heirs mentioned in paragraph No. 4 above are the only heirs and legal representatives of the said deceased."

6. Issuance of proclamation stands dispensed with.

[MILIND N. JADHAV, J.]

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