

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

MISCELLANEOUS PETITION NO. 441 OF 2023

Gracina Santan Coutinho

...Deceased

Juliet Wilson Dsouza alias

Juliet Sanntan Coutinho

...Petitioner

* * *

- Ms. Sujata Babar, for Petitioner.

* * *

CORAM : MANISH PITALE, J

DATE : 02nd JANUARY, 2024.

P. C. :

1. Heard learned counsel for the petitioner.
2. By this petition, the petitioner is seeking issuance of legal heirship certificate under the provisions of the Bombay Regulation Act, VIII of 1827, in favour of the surviving legal heirs of the deceased. The petitioner is the daughter of the deceased.
3. It is stated that the deceased expired at Mumbai on 07th June, 2016. Copy of the death certificate is annexed to the petition. It is specifically stated that the deceased at the time of her death had a fixed place of abode at Room No. 315, 3rd Floor, Bhuvaneshwar Building, Parel Village, Greater Mumbai - 400 012.
4. It is further stated that the deceased died intestate, leaving behind no testamentary writing or will. The details of the surviving legal heirs of the deceased are given in paragraph no. 4 of the petition, which include the petitioner and her sister, both being

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MALANI

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married daughters. It is further stated that the husband of the deceased died on 24th October, 2016 and copy of his death certificate is also annexed to the petition.

5. It is specifically stated that the legal heirship certificate is required to be produced before the concerned authorities of Maharashtra Housing and Area Development Authority.

6. This Court has considered the statements made in the petition, as also the documents filed therewith. In that light, the petition is accepted. Proclamation is dispensed with.

7. The consent affidavit of the sister of the petitioner is placed on record alongwith the petition, wherein it is specifically stated that sister of the petitioner has no objection to the heirship certificate being granted as per the prayer made in the petition.

8. In view of the above and in the interest of justice, the petition is allowed in terms of prayer clause (a), which reads as follows :

“(a) That Legal Heirship Certificate be issued Certifying that the petitioner and her Sister are the only Heirs and Legal Representatives of the Deceased under the provision of Bombay Regulation Act VIII of 1827;”

9. The office to take expeditious steps in the matter.

(MANISH PITALE, J.)