

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

MISCELLANEOUS PETITION (LODGING) NO. 24176 OF 2023

(This order is corrected as per speaking to the minutes of the order dated 24th April, 2024)

Stella Nina Coelho ...Deceased No.1

Vernon Francis Coelho ...Deceased No.2

Philippa Jacinto & Anr. ...Petitioners

* * *

- Mr. Ashutosh Hasija a/w Ms. Diksha Shetty i/b AAK legal, for
Petitioners.

* * *

CORAM : MANISH PITALE, J.

DATE : 26th MARCH, 2024.

P. C. :

1. Heard learned counsel for the petitioners.

2. By this petition, the petitioners are seeking issuance of legal heirship certificate in their favour, as the only surviving legal heirs of the two deceased persons.

3. The deceased No.1 is the mother of the petitioners, while deceased No.2 is their brother. It is specifically stated that deceased No.1 i.e. the mother expired on 07th August, 2012. Copy of her death certificate is annexed to the petition at Exhibit "A". The deceased No.2 i.e. brother expired on 26th November, 2020 and copy of his death certificate is annexed at Exhibit "B" to the petition.

4. In paragraph Nos.3 and 4 of the petition, the petitioners are stated to be the only surviving legal heirs of both the deceased persons. It is specifically stated that deceased No.2 i.e. brother of the

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petitioners died a bachelor, leaving behind only his two sisters i.e. the petitioners, as the only surviving legal heirs.

5. It is submitted that both the deceased persons at the time of their death were residing at Flat No.11, 6th floor, Phil Haven, St. Paul Road, Bandra (West), Mumbai – 400 050.

6. The learned counsel for the petitioners, on instructions, states that, both the deceased persons died intestate without leaving behind any testamentary writing or will. It is also stated in the petition that no proceedings have been initiated before any Court with regard to grant of Probate of any Will or for grant of Letters of Administration with Will annexed, in respect of both the deceased persons.

7. In view of the material placed on record, the petition is accepted and proclamation is dispensed with.

8. The petition is allowed in terms of prayer clause (a), which reads as follows :

“A) This Hon’ble Court be pleased to issue a Legal Heirship Certificate to the Petitioners i.e. Philippa Jacinto (Married Daughter of the Deceased No.1 and Married Sister of Deceased No.2) and Joanne Isabella Ramesh (Married Daughter of the Deceased No.1 and Married Sister of Deceased No.2) under the provisions of Bombay Regulation VIII of 1827

*certifying that the Petitioners are the only legal heir
and legal representative of the said Deceased.*

(MANISH PITALE, J.)