



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC. PETITION NO.67 OF 2024**

Tanya Vaibhav Karnik
Svetlana Savio Kinny ... Petitioners

Yvonne Fernandes ... Deceased

Mr. Javeed Hussein with Mr. Mubashir Hussein, Mr. Munibah Iram i/by
Hussein and Co., for Petitioners.

CORAM: N.J.JAMADAR, J.

DATE : 30 AUGUST 2024

P.C.

1. Heard the learned Counsel for the Petitioners.
2. This petition is filed for grant of heirship certificate under Section 2 of the Bombay Regulation VIII of 1827.
3. Yvonne Fernandes (deceased) was the mother of the Petitioners. She passed away on 26 April 2021 at Mumbai. At the time of her death, the deceased had a fixed place of abode at B/10, Blue Heaven, Off. Veera Desai Road, Andheri (W), Mumbai - 400 053.
4. The Petitioner avers that the deceased died intestate and despite diligent search, no testamentary writing or Will has been found. Joaquim Louis Fernandes, husband of the deceased, predeceased her on 26 February 2007. A copy of the death certificate of the husband of the deceased is annexed at Exhibit B to the Petition. Heirship certificate is

required to lay claim over the amount standing to the credit of the Provident Fund account of the deceased.

5. I have perused the averments in the Petition. The documents annexed to the Petition lend credence to the claim of the Petitioners. The husband of the deceased predeceased her. The Petitioners who claimed to be the sole surviving daughters of the deceased appear to be the only surviving heirs of the deceased. I, therefore, do not find any impediment in granting heirship certificate.

6. Hence, the following order :

ORDER

(i) The Petition stands allowed in terms of prayer clause

(a), which reads as under :

“(a) This Hon’ble Court be pleased to issue Leal Heirship Certificate to the Petitioners under the provisions of Bombay Regulation VIII of 1827 certifying that the Petitioners as the only surviving heirs mentioned above in para 4 are the only heirs and legal representatives of the said deceased;

(ii) Issue of proclamation is dispensed with.

(iii) Grant expedited.

(N.J.JAMADAR, J.)