

the petitioner. The deceased passed away on 27th March 2010. At the time of her death, she had a fixed place of abode at 39/15, B.D.D. Chawl, G. M. Bhosale Road, Worli, Mumbai.

7. In the petition it is averred that the deceased died intestate and despite diligent search, no testamentary writing or Will has been found. The deceased has left behind Antonio D'Souza, her husband, the petitioner, and Kriston D'souza, another son, the particulars of whom are furnished at serial Nos.1 to 3 in the table at paragraph No.5 of the petition. It is averred that there is no other legal heir. The heirship certificate is required to lay claim over the tenancy right in respect of the property described in paragraph No.7 of the petition.

8. I have perused the averments in the petition. The documents annexed to the petition lend support to the claim of the petitioner. The petitioner, Antonio D'Souza, the husband, and Kriston D'souza, another son, appear to be the surviving legal representatives of the deceased. Antonio D'Souza, the husband of the deceased, and Kriston D'souza, another son of the deceased, have filed affidavits giving their consent for grant of heirship certificate. Thus, I do not find any impediment in

This Order is modified/corrected by Speaking to Minutes Order dated 09.10.2024.

granting the heirship certificate.

9. Hence the following order:

ORDER

(i) Petition stands allowed in terms of amended prayer clause (a).

(ii) The heirship certificate be issued certifying that the heirs mentioned at serial No.1 to 3 in the table at paragraph No.5 are the legal representatives of the deceased.

(iii) Proclamation dispensed with.

(iv) Grant of heirship certificate is expedited.

(N. J. JAMADAR, J.)