



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC. PETITION NO.198 OF 2024**

Veera David Davies ... Petitioner

Ignes Vaz ... Deceased

Mr. S.A.Desai i/by Ms. Anita R. Manjalkar, for Petitioner.

CORAM: N.J.JAMADAR, J.

DATE : 8 AUGUST 2024

P.C.

1. Heard the learned Counsel for the Petitioner.
2. This petition is filed for grant of heirship certificate under Section 2 of the Bombay Regulation VIII of 1827.
3. Ignes Vaz (deceased) was the mother of the Petitioner. The deceased passed away on 1 June 2023 at Goa, but had a fixed place of abode at 16, La Charmaine, Tank Colony, Orlem, Malad (West), Mumbai-400064. The deceased died intestate and despite diligent search, no testamentary writing or Will has been found. The deceased left behind the Petitioner, another married daughter, and a son, particulars of whom are furnished in the table at paragraph No.4 of the Petition. Fernando Vaz, husband of the deceased, predeceased her on 19 October 1979. A copy of the death certificate of the husband of the deceased has been produced on record pursuant to the

order passed by this Court on 29 February 2024. The Petitioner avers that the heirship certificate is required for formal recognition as the legal heirs of the deceased.

4. I have perused the averments in the Petition and the documents annexed with the Petition in support of the claim of the Petitioner. Fernando Vaz, the husband of the deceased, has predeceased her. The Petitioner, her sister and brother appear to be the only surviving Class I legal heirs of the deceased. The sister and brother of the Petitioner have filed affidavits giving consent for the grant of heirship certificate. Heirship certificate is required for formal recognition as the legal heirs of the deceased. Therefore, I do not find any impediment in granting heirship certificate.

5. Hence, the following order :

ORDER

(i) The Petition stands allowed in terms of prayer clause (a), which reads as under :

“(a) That a Legal Heirship Certificate Certifying that the petitioner along with the heir mentioned in para no.4 of Petition are only heirs and legal representative of deceased under the Provision of Bombay Regulation Act VIII of 1827;

(ii) Issue of proclamation is dispensed with.

(iii) Grant be expedited.

(N.J.JAMADAR, J.)