

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

MISC. PETITION NO. 209 OF 2024

Antoniette Norris alias Atulia alias
Antonette Norris alias Atulia D'Souza w/o
Peter Norris alias Anton Peter Norris ...Petitioner

Anthony Ferreira Alias Anton Zuzhya Parel
@ Fereira Alias Anthony Joseph Ferreira
Alias Anton Zuzhya Farel ...Deceased

Mr. Prabhu Velar, a/w Vilas Kadu, for the Petitioner.

CORAM: N. J. JAMADAR, J.
DATED: 30nd SEPTEMBER, 2024

PC:-

1. Heard the learned Counsel for the petitioner.
2. This is a petition for grant of heirship certificate under Section 2 of the Bombay Regulation VIII of 1827.
3. Anthony Ferreira Alias Anton Zuzhya Parel @ Fereira Alias Anthony Joseph Ferreira Alias Anton Zuzhya Farel (the deceased) was the grandfather of the petitioner. The deceased passed away on 19th September, 1962. At the time of his death he had a fixed place of abode at Gorai, Borivali (West), Mumbai-400091.
4. In the petition, it is averred that the deceased died intestate and despite diligent search no testamentary writing

or Will has been found. Jane @ Rose Anthon Ferreira, was the wife of the deceased. She predeceased the deceased in 1946. Roman D'Souza and Mary Ferreira, were the daughters of the deceased. Mary Ferreira died as a spinster on 22nd December, 1940. Copy of the death certificate of Mary Ferreira is annexed at Exhibit-D to the petition.

5. Roman D'Souza passed away on 20th November, 1946. The death certificate of Roman D'Souza is not available. Roman D'Souza was first married to Jabu Gudinho alias Romania, who passed away on 5th September, 1939. Out of the said wedlock, Roman D'Souza had a son Caitan Godinho, who died as a bachelor on 25th July, 1981. Copy of death certificate of Caitan Godinho is at Exhibit-C to the petition. After the demise of Jabu Gudinho, Roman D'souza solemnized marriage with Pascol D'Souza. The petitioner is the daughter born to Roman D'souza by Pascol D'Souza. There is no other legal heir. Thus, the petitioner is the sole surviving grand-daughter of the deceased. The heirship certificate is required to lay claim over the property left behind by the deceased.

6. By an order dated 29th July, 2024 proclamation was directed to be issued. The petitioner has filed affidavit of

service of proclamation. The proclamation has also published in newspaper "Free Press Journal" and "Navshakti". An affidavit of service of the proclamation in the newspaper has also been filed. No objection has been filed.

7. From the perusal of the documents annexed to the petition, it appears that the petitioner is the sole surviving grand-daughter of the deceased. There is no other legal heir. Despite proclamation, no objection to the grant of heirship certificate has been filed. I am, therefore, impelled to allow the petition.

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

(a) This Hon'ble Court be pleased to issue a Legal Heirship Certificate Certifying that the petitioner vtz. ANTONIETTE NORRIS alias ATULIA alias ANTONETTE NORRIS alias ATULIA D'SOUZA W/o PETER NORRIS. Alias ANTON PETER NORRIS, being granddaughter of the deceased is the only legal heir and Legal representative of the deceased abovenaemed, under the provision of Bombay Regulation Act VIII of 1827."

9. The grant of heirship certificate is expedited.

[N. J. JAMADAR, J.]