

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

MISCELLANEOUS PETITION NO.294 OF 2024

Molly David w/o. Fado David ... Petitioner
vs.
Fado David s/o. George David ... Deceased

Mr. Hetvi Gala Maru, for Petitioner.

CORAM: N.J.JAMADAR, J.
DATE : SEPTEMBER 27, 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. Fado David s/o. George David (Deceased) was the husband of the petitioner. She passed away on 10th August, 2020. At the time of her death, she had a fixed place of abode at B/301, Vohra Galaxy, Kalina Kurla Road, Kalina, Santacruz (East), Mumbai.
4. In the Petition, it is averred that the deceased died intestate, and despite diligent search, no testamentary writing or Will has been found.
5. The deceased left behind the petitioner and two sons Dennis Fado David and Zubin David, the particulars of whom are furnished at Serial Nos. 2 and 3 in the table at paragraph No. 4 of the petition. The mother

of the deceased, predeceased the deceased, on 8th November, 2010. A copy of the death certificate of the mother of the deceased is annexed at Exhibit B. George David, the father of the deceased, predeceased the deceased, on 19th May, 1984. A copy of death certificate of George David is annexed at Exhibit C to the petition.

6. I have perused the averments in the petition. The documents annexed to the petition lend support to the claim of the petitioner.

7. The petitioner and her two sons appear to be the surviving legal heirs of the deceased. Dennis Fado David and Zubin David have filed affidavits giving their consent for the grant of heirship certificate. I do not find any impediment in granting heirship certificate.

Hence, the following order :

ORDER

- (i) The Petition stands allowed in terms of prayer clause (a).
- (ii) Issue of proclamation is dispensed with.
- (iii) Grant expedited.

(N.J.JAMADAR, J.)