

MISC PETITION NO. 382 OF 2024

PC.:

- D.A.ETHAPE

been found. The deceased has left behind the petitioner Nos. 1 and 2 as the only surviving legal heirs. Maria Theresa, the wife of the deceased and mother of the petitioner Nos.1 and 2, predeceased the deceased, on 24th May 1996. A copy of death certificate of Maria Theresa is annexed at Exhibit B-1 to the petition. There is no other legal heir. The heirship certificate is required to lay claim over the property described in the Schedule of Property (Exhibit-D).

5. I have perused the averments in the petition. The documents annexed to the petition lend support to the claim of the petitioners. The petitioners appear to be the only surviving legal heirs of the deceased. Maria Theresa, the wife of the deceased and mother of the petitioners, has predeceased the deceased. There does not appear to be any impediment in granting the heirship certificate.

6. Hence, the following order:-

ORDER

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

“(b). That the Legal Heirship Certificate may be granted

to the Petitioners, and they be declared as legal heir and legal representative of the deceased, under the provision of Bombay Regulation Act VIII of 1827.”

- (ii) Proclamation dispensed with.
- (iii) The grant of heirship certificate is expedited.

(N. J. JAMADAR, J.)