

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.542 OF 2024

Sebastian D'Mello ...Deceased

Fatima Anthony Fernandes alias Fatima Sebastian ...Petitioner
D'Mello

Mr PM Khankar, *for the Petitioner.*

CORAM: ARIF S. DOCTOR, J
DATED: 2ND JANUARY 2025

SHEPHALI
SANJAY
MORMARE

Digitally signed by
SHEPHALI
SANJAY
MORMARE
Date: 2025.01.03
10:04:02 +0530

PC:-

1. The Petitioner seeks the grant of a Legal Heirship Certificate under the provisions of Section 2 of the Bombay Regulation VIII of 1827 in respect of one Sebastian D'Mello (**"the deceased"**), who died in Mumbai on 22nd December 1999. A copy of the Death Certificate is annexed to the Miscellaneous Petition. It is stated that despite due and diligent search, no Will of the deceased has been found. It is therefore assumed that the deceased died intestate.

2. The deceased left behind him surviving as his only heirs and next of kin according to the Indian Succession Act, 1925, the persons mentioned in the table in paragraph 1 of the Petition.

3. The reason for which the Legal Heirship Certificate is required is set out in paragraph 8 of the Miscellaneous Petition.

4. The other legal heirs of the deceased have filed Consent Affidavits, which are annexed to the Petition.

5. No other Petition for Legal Heirship Certificate, Succession Certificate, Probate or Letters of Administration with or without Will annexed has been filed. Therefore, there is no impediment in law to the grant of relief.

6. Having heard the Learned Counsel appearing on behalf of the Petitioner as also perusing the said Petition. I find that the same is in order and deserves to be allowed in the interest of justice.

7. The Miscellaneous Petition is therefore allowed in terms of prayer clause (a) which reads as under:

“(a) This Honorable Court be pleased to issue heriship certificate to the Petitioner under provisions of Bombay Regular Act VIII of 1827.”

8. The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same.

9. The Miscellaneous Petition is accordingly disposed of.

(ARIF S. DOCTOR, J)