

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 29 OF 2025

Suzette Carl Pereira & Anr. ...Petitioners

Carl David Pereira ...Deceased

Adv. Solanke Shyamsunder Udhavrao for the Petitioners.

CORAM : ARIF S. DOCTOR, J.

DATE : 22ND JANUARY, 2025

P.C.:-

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 Carl David Pereira ('the deceased'), who died at Mumbai on 30th July 2020. 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 the Petitioners as his only heirs and next of kin according to the Indian Succession Act.

3. The reason for which the Legal Heirship Certificate is required is set out in paragraph 10 of the Miscellaneous Petition.

4. The Registry has duly verified the Petition. 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.

5. I have heard the learned Counsel appearing on behalf of the Petitioner as well as perused the said Petition. I find that the same is in order and deserves to be allowed in the interest of justice.

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

“ a. This Hon'ble Court may be pleased to grant Legal Heirship Certificate thereby certifying that the Petitioners viz. Suzette Carl Pereira and Zianna Liz Pereira (minor through natural guardian Suzette Carl Pereira) are recognized as the legal heirs and representatives of Carl David Pereira, the Deceased above named be granted;

7. The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same, subject to all compliance of office requisitions.

8. The Miscellaneous Petition is accordingly disposed of. There shall be no order as to costs.

(ARIF S. DOCTOR, J.)