

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 32 OF 2025

Suzette Carl Pereira & Anr. ...Petitioners

Renato Rosario David Pereira ...Deceased

AND
MISCELLANEOUS PETITION NO.33 OF 2025 (NOB)

Adv. Govind Solanke a/w Shyamsundar Solanke for the Petitioners.

CORAM : ARIF S. DOCTOR, J.
DATE : 23RD JANUARY, 2025

P.C.:-

1. This matter was placed on board today since yesterday it was observed that Petitioner No.1 was the daughter-in-law of the deceased Indian Cristain Christian, who is governed by the provisions of the Indian Succession Act, 1925 would be a legal heir of the deceased.

2. Today, Learned Counsel appearing on behalf of the Petitioners very fairly submitted that this was an inadvertent error. Petitioner No.1 was arrayed as a legal heir of the deceased (father-in-law) on the basis of assumption and without ascertaining any legal position. Hence, Learned Counsel for the Petitioners sought leave to amend the Petition by deleting the name of Petitioner

No.1 as a legal heir of the deceased and add Petitioner No.1 as the legal guardian of Petitioner No.2, who is the minor daughter of Petitioner No.1 and granddaughter of the deceased.

3. Learned Counsel is permitted to tender a draft amendment on the next date of hearing.

4. Additionally and I must note that Learned Counsel has very fairly brought to my attention an order dated 21st January, 2025 passed by this Court in Miscellaneous Petition No.33 of 2025, in which this Court had granted a legal heirship certificate to Petitioner No.1. He submitted that this order would also have to be recalled and the necessary amendment to the Petition be made.

5. Having heard Learned Counsel, I therefore recall the said order dated 21st January, 2025 which was passed in Miscellaneous Petition No.33 of 2025 without noticing that Petitioner No.1 was not a legal heir of the deceased. The said order is thereby recalled and set aside. The Petitioners are at liberty to also move a similar draft amendment in the said Miscellaneous Petition No.33 of 2025.

6. List both these Miscellaneous Petitions on 28th January, 2025.

(ARIF S. DOCTOR, J.)