

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 55 OF 2025

Valerian Anthony Rebelo & Ors.

...Petitioners

Catherine Valerian Rebelo

...Deceased

Mr. Ativ Patel i/by AVP Partners for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 27TH FEBRUARY, 2025

P.C.:-

1. At the outset it was pointed out to Learned Counsel for the Petitioners that in paragraph 3, the provisions of law applicable to the deceased at the time of her death was incorrectly mentioned.

2. Learned Counsel seeks leave to effect an amendment in paragraph 3 to reflect that the provisions of the Indian Succession Act, 1925 would be applicable to the deceased at the time of her death and the legal heirs of the deceased as set out in table in paragraph 3 are as per the provisions of the Indian Succession Act, 1925.

3. The Petitioners are granted liberty to carry out the said amendment. Amendment to be carried out within a period of one week from today. Reverification is dispensed with.

4. The Petitioners seek the grant of a Legal Heirship Certificate under the provisions of Section 2 of the Bombay Regulation VIII of 1827 in respect of one Catherine Valerian Rebelo alias Cathrin Rebelo ('the deceased'), who died at Mumbai on 6th October, 2015. 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.

5. The deceased left behind her surviving as her only heirs and next of kin the Petitioners according to Indian Succession Act, 1925.

6. The reason for which the Legal Heirship Certificate is required is set out in paragraph 5 of the Miscellaneous Petition.

7. 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.

8. I have heard the learned Counsel appearing on behalf of the Petitioners 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.

9. The Miscellaneous Petition is therefore allowed in terms of prayer clause (a) which reads thus:

a. the Certificate of Heirship thereby certifying the Petitioners as the recognized heirs of the Deceased, be granted to and in favour of the Petitioners; and"

10. The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same, subject to all compliance of office requisitions and aforesaid amendment being carried out.

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

(ARIF S. DOCTOR, J.)