

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

MISCELLANEOUS PETITION NO.402 OF 2024

Dsouza Thereza alias Dsouza

Theresa alias Dsouza Triza

... Deceased

Dsouza Cecilia Magdeline

... Petitioner

Adv. Yogesh Panchal a/w Mayur Panchal for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 09th APRIL 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 Dsouza Thereza alias Dsouza Theresa alias Dsouza Triza ('the deceased'), who died in New York on 20.02.2007. 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 her surviving as her only heirs and next of kin according to Hindu Succession Act, 1956, the persons mentioned in the table in paragraph 4 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 Petition has been duly verified by the Registry. 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) and (b) which read as under :-

“ (a) This Hon'ble Court be pleased to condoned the delay in filing present Petition.

(b) That a Legal Heirship Certificate be issued under the provision of Bombay Regulation Act VIII of 1827, Certifying that Petitioner along with the heirs mentioned in Para 4 are the only heirs and legal representatives of the said deceased”

7. The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same. Issuance of proclamation is dispensed with.

8. The Miscellaneous Petition is accordingly disposed of.

(ARIF S. DOCTOR, J.)