

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 406 OF 2024

John Lawrence Dsouza ...Deceased

Raymond Lawrence Dsouza ...Petitioner

Ernest Tuscano, for the Petitioner.

CORAM: ARIF S. DOCTOR, J
DATED: 3RD JANUARY 2025

PC:-

SHEPHALI
SANJAY
MORMARE

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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 John Lawrence Dsouza ("**the deceased**"), who died in Mumbai on 27th March 2022. 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 Indian Succession Act, 1925, 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 11 of the Miscellaneous Petition.

4. The other legal heir of the deceased has filed Consent Affidavit, which is annexed to the Petition.

5. 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.

6. 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.

7. The Miscellaneous Petition is therefore allowed in terms of prayer clause/s (a) and (b) which read as under:

“(a) The Petitioner along with Marcus Dsouza be declared as the Legal heirs of Late John Lawrence Dsouza.

(b) Legal Heirship Certificate certifying that the petitioner and Marcus Dsouza are the only Legal heirs of Late John Lawrence Dsouza may be issued under the provisions of the Bombay Regulation 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)