

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 637 OF 2024**

Elizabeth Quadras W/o Francis Quadras & Ors

...Petitioners

Francis Quadras

...Deceased

Adv. B. Kumar a/w Akhil Nair for the Petitioners.

CORAM : ARIF S. DOCTOR, J.

Date : 25th FEBRUARY 2025

P.C. :

1. 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 Francis Quadras ('the deceased'), who died in Mumbai on 27th January 2021. 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 the Petitioners 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 5 of the Miscellaneous Petition.

4. The other legal heirs of the deceased have filed consent affidavits, which are 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 clauses (a) and (b) which read as under :-

“ (a) This Hon’ble Court be pleased to issue a legal Heirship Certificate in favour of the petitioner under provisions of Bombay Regulation VIII of 1827 certifying that the petitioner, alongwith the other legal heirs mentioned at para No.4 herein above are the only heirs and legal representative of the deceased.

(b) This Hon'ble Court be pleased to dispense with Proclamation."

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.)