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

MISCELLANEOUS PETITION NO.664 OF 2024

Mark Aloysius Dsilva & Charlotte Philomenia Dsilva … Deceased

Melwyn William Dsilva … Petitioner

Mr. Prabhu Velar for the Petitioner.

CORAM : ARIF S. DOCTOR, J.
DATE : 06TH MARCH 2025

P.C. :

MUGDHA MANOJ PARANJAPE
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Date: 2025.03.07 10:12:10 +0530

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 Mark Aloysius Dsilva & Charlotte Philomenia Dsilva ('the deceased'), who died on 16th February 2020 and 13th November 2024. The copies of the death certificates are 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 them surviving as their only heirs and next of kin according to Indian Succession Act, 1925, the persons mentioned in the table in paragraph 5 of the Petition.

3. The reason for which the Legal Heirship Certificate is required is set out in paragraph 7 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 clause (a), which reads as under :-

> *"a. This Hon'ble Court be pleased to issue a Legal Heirship Certificate to the Petitioner under the provision of Bombay Regulation VIII of 1827 certifying that 1) Melwyn William Dsilva, 2) Cronel Blaise Dsilva alias Cornel Blaise Dsilva and 3) Keith Blaise Dsilva as the only surviving legal heirs of both the Deceaseds' abovenamed i.e., (1) Mark Aloysius Dsilva (2) Charlotte Philomenia Dsilva."*

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

9. The Miscellaneous Petition is accordingly disposed of.

(ARIF S. DOCTOR, J.)