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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

MISCELLANEOUS PETITION NO.214 OF 2025

Pius Bonaventure Fernandes alias

Pius B Fernandes alias P B Fernandes ... Deceased

Prema Reny Mathias nee Prema Reny Fernandes ... Petitioner

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Mr. Prabhu Velar, for Petitioner.

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CORAM : ARIF S. DOCTOR, J.

DATE : 17TH 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 Pius Bonaventure Fernandes alias Pius B Fernandes alias P B Fernandes (“the deceased”), who died in Mumbai on 13th September, 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 6 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 the following persons i.e. (1) Pamela Beatrice Gonsalves nee Pamela Beatrice Fernandes (Daughter), (2) Elma Roshni Fernandes (Daughter), (3) Prema Reny Mathias nee Prema Reny Fernandes (Daughter), (4) Eric Patrick Fernandes (Son), (5) Rudolph Basil Fernandes (Son), and (6) Christopher Noel Fernandes (Son) are the only surviving Legal Heirs of the deceased i.e., Pius Bonaventure Fernandes alias Pius B. Fernandes alias P.B.Fernandes, Son of Marcel Fernandes”.

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]