

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

MISCELLANEOUS PETITION NO.251 OF 2025

Joseph Pereira alias Joseph Rudolph Pereira alias

Joseph Cyril Pereira & Anr.

... Deceased

Andrew Pereira alias Andrew Simon Richard

Pereira alias Andrew Joseph Pereira

... Petitioner

Adv. Bhakti Patil i/b Prabhu Velar for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 30TH 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 Joseph Pereira alias Joseph Rudolph Pereira alias Joseph Cyril Pereira and Mary Pereira alias Mary Caroline Pereira alias Mary Joseph Pereira ('the deceased'), who died at Mumbai on 19th November, 2017 and 22nd July, 2018 respectively. 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 their the Petitioner surviving as their only heir and next of kin according to Indian Succession Act, 1925.

3. The reason for which the Legal Heirship Certificate is required is set out in paragraph 7 of the Miscellaneous Petition.

4. The Registry has duly verified the Petition. 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) 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 Andrew Pereira alias Andrew Simon Richard Pereira alias Andrew Joseph Pereira (son) is the only surviving legal heir of both Deceased No.1, Joseph Pereira alias Joseph Rudolph Pereira alias Joseph Cyril Pereira alias Joseph Torcato Rudolph Diogo Fatimo Pereira alias Joseph Torcato Rudolph Pereira alias Joseph R. T. Pereira alias Joseph Torcato Pereira alias Joe Pereira alias Joseph Cyril Luis Pereira alias Jose Torcato Rodolfo Diogo Fatimo Pereira and Deceased No.2, Mary Pereira alias Mary Caroline Pereira alias Mary Joseph Pereira.”

7. The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same, subject to all compliance of office requisitions.

8. The Miscellaneous Petition is accordingly disposed of. There shall be no order as to costs.

(ARIF S. DOCTOR, J.)