

HARSHADA H. SAWANT
(P.A.)

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

MISCELLANEOUS PETITION NO.1028 OF 2025

Lily Bihari Dsouza alias Lily Bihari D'Souza .. Deceased

Augustine Bihari Dsouza .. Petitioner

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• Mr. Mevalal L. Verma, Advocate for Petitioner.

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CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 23, 2025

P.C.:

1. Not on Board. Mentioned by way of filing praecipe dated 23.12.2025. Perused the praecipe.

2. Heard Mr. Verma, learned Advocate for Petitioner.

3. Present Misc. Petition is filed by Petitioner for issuance of legal heirship certificate under Section 2 of Bombay Regulation VIII of 1827 in respect of the properties and credits of deceased Lily Bihari Dsouza alias Lily Bihari D'Souza. The names and details of legal heirs of the deceased are stated in paragraph No.4 of the Petition. Purpose for filing the present Petition is stated in paragraph No.10 of the Petition. I have perused the same.

4. The deceased expired on 31.10.2023 and copy of her death certificate is appended at Exhibit-A, page No.18. The husband of the deceased namely Bihari Baburao Ghodke predeceased the deceased on

06.04.1996 and copy of his death certificate is appended at Exhibit A-2 page No.20. Averments made in paragraph No.4 are that the parents of Deceased have predeceased Deceased. Petitioner being the son of the deceased is the sole surviving legal heir of the deceased.

5. In view of the above, there can be no impediment in allowing the Petition. Misc. Petition is allowed and disposed of in terms of prayer clause 'a' which reads thus:-

“(a) This Hon’ble Court be pleased to issue a Legal Heirship Certificate in favour of the Petitioner under the provisions of Bombay Regulation VIII of 1827 certifying that the Petitioner herein above is the only heir and legal representative of the deceased.”

6. Issuance of proclamation stands dispensed with.

7. Department is directed to issue the legal heirship certificate as directed above within a period of 3 weeks from today positively.

8. Misc. Petition is allowed and disposed subject to compliance of office objections, if any, forthwith which shall be allowed by the Department.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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