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

**MISCELLANEOUS PETITION NO.1196 OF 2026**

Pamela Marina Fernandes .. Deceased

Karen Ann Fernandes Fonseca .. Petitioner

Ms. Nolencia Pereira (through V.C.), Advocate for the Petitioner.

**CORAM : GAUTAM A. ANKHAD, J.**

**DATE : 22nd October, 2026.**

***[ THROUGH HYBRID HEARING ]***

**P.C. :**

1. This Petition is filed seeking Legal Heirship Certificate under Section 2 of Bombay Regulation (VIII) of 1827 in respect of the Deceased – Pamela Marina Fernandes who at the time of her death was residing at 49, Ferns Villa, Chuim Road, Mumbai-400 052. The Deceased died intestate on 6th February, 2003 and a copy of the Death Certificate is annexed at Exhibit 'A' to the Petition.

2. The Petitioner is the married daughter of the Deceased. At paragraph no.4, the Petitioner has furnished details of the only surviving legal heirs and next-of-kin of the Deceased as follows :

| Sr. No. | Names and Address of the heirs and next of kin of the Deceased abovenamed | Age | Relation with the Deceased |
|---|---|---|---|
| 1 | Karen Ann Fernandes Fonseca,<br>R/at 2, Sonal Apartments, 66, St. Joseph Avenue, Santacruz (West), Mumbai-400054. | 55 years | Married Daughter<br>(Petitioner) |
| 2 | Nelson Edward Fernandes,<br>R/at 2, Sonal Apartments, 66, St. Joseph Avenue, Santacruz (West), Mumbai-400054. | 88 years | Husband |

3. It is further stated that the parents of the Deceased have predeceased the Deceased and there are no other heirs and next-of-kin of the Deceased. It is in this background that the Petitioner seeks the Heirship Certificate.

4. The husband of the Deceased has filed consent affidavit dated 21st July, 2026, which is annexed at page nos.40 to 42 of the Petition.

5. The reasons for filing this Petition are stated at paragraph nos.6 and 7 of the Petition. It is also stated in paragraph no.9 that the Petitioner or the legal heirs have not filed any other Petition for Heirship Certificate, Succession Certificate, Probate or Letters of Administration and there is no impediment to the grant of the reliefs in this Petition.

6. As far as the delay is concerned, the same is condoned in the light of the judgment of this Court in ***Ganpati Vinayak Achwal***[1] wherein this Court has held that the right to apply is a continuous right which is capable of being exercised at any time after the death of the Deceased, as long as the right to do so exists.

7. In view of the statements/undertakings contained in the Petition, read with the consent affidavits that have been filed, which are accepted, **Miscellaneous Petition No.1196 of 2026 is allowed** in terms of prayer clauses (a), (b) and (c), which read as under :

> "(a) This Hon'ble Court be pleased to condone the delay in filing present Petition.
>
> (b) That a Legal Heirship Certificate be issued under the provisions of Bombay Regulation Act VIII of 1827, certifying that (1) Karen Ann Fernandes Fonseca, married daughter of the Deceased, and (2) Nelson Edward Fernandes, husband of the Deceased, are the only legal heirs and legal representatives of the Deceased abovenamed.
>
> (c) That issuance of Proclamation be dispensed with."

8. The Department is directed to issue the Legal Heirship Certificate within a period of six weeks from today.

**[ GAUTAM A. ANKHAD, J. ]**

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