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

MISCELLANEOUS PETITION NO. 195 OF 2026

Josephine D'Souza W/o. Nestor D'Souza and
Nestor William D'Souza .. Deceased Persons

Susan D'Souza .. Petitioner

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- Ms. Sujata Babar, Advocate for Petitioner.

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 05, 2026.

P.C.:

1. Not on Board. Mentioned by way of filing praecipe dated 05.03.2026. Perused the praecipe.

2. Heard Ms. Babar, 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 Josephine D'Souza W/o. Nestor D'Souza and Nestor William 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.9 of the Petition. I have perused the same.

4. Consent affidavit dated 08.01.2026 of Gloria Francis, Lucia D'Souza, Gerard D'Souza, Loyola D'Souza and Giles D'Souza, the legal

heirs are filed on record and appended at page Nos. 34, 38, 41, 44 and 51 of Petition.

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 clauses 'a' and 'b' which read thus:-

- “(a) That Legal Heirship Certificate be issued Certifying that the Petitioner viz. SUSAN D’SOUZA, her three brothers viz. GERARD D’SOUZA, GILES D’SOUZA, and LOYOLA D’SOUZA, and her two sisters viz. GLORIA FRANCIS and LUCIA D’SOUZA are the only Heirs and Legal Representatives of the Deceased under the provision of Bombay Regulation Act VIII of 1827;*
(b) Delay of 17 years 17 Days may be condoned.”

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.

[MILIND N. JADHAV, J.]

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