

Ajay

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

MISCELLANEOUS PETITION NO. 226 OF 2026

Clayton Joseph Valles and Fabiola Theresa Valles .. Deceased Persons

Hoenen Francis Valles .. Petitioner

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- Mr. Sanskar Marathe i/b Ms. Snehal Marathe, Advocates for Petitioner.

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 06, 2026.

P.C.:

1. Not on Board. Mentioned by way of filing praecipe dated 06.03.2026. Perused the praecipe.

2. Heard Mr. Marathe, 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 persons Clayton Joseph Valles and Fabiola Theresa Valles. The names and details of legal heirs of the deceased are stated in paragraph No.6 of the Petition. Purpose for filing the present Petition is stated in paragraph No.14 of the Petition. I have perused the same.

4. Consent affidavit dated 02.02.2026 of Marilyn Lourdes Valles Baptist in the capacity of co-guardian as paternal aunt of minor

nephew Rayden Joseph Valles, the legal heir is filed on record and appended at page No.30 of Petition. This consent affidavit states that paternal aunt and the Petitioner i.e. paternal grandfather have been appointed as guardians of the said minor by virtue of order dated 28.11.2025 passed by the City Civil Court, Mumbai in Guardianship Petition No.186 of 2025.

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' which read thus:-

“A. That a Legal Heirship Certificate certifying that Rayden Joseph Valles, son of the deceased is the only heir and Legal representative of the deceased under the provision of Bombay Regulation Act, VIII of 1827;”

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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