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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 159 OF 2015**

Smt. Shamim Farooq Merchant

...Petitioner

Versus

Hussain Ali Nathu Merchant

...Deceased

Ms. Duraiya Retiwala, for the Petitioner.

CORAM: G.S. PATEL, J

DATED: 3rd May 2016

PC:-

1. Accepted.
2. Leave to amend in terms of the draft handed in, taken on record and marked "X" for identification. Amendment to be carried out forthwith, without need of reverification.
3. The Petitioner is one of the three heirs of the deceased. The Consenting Affidavit of one of the other heirs, Khurshid H. Meghani, has already been filed. The remaining heir, Farida Banu Ahmedali, has today filed her Consent Affidavit. Hence, proclamation dispensed with. Affidavit of Farida Banu Ahmedali is taken on file.

4. The Petition is returnable forthwith and taken up for hearing and final disposal.

5. The Petitioner seeks a Legal Heirship Certificate under Section 2 of Bombay Regulation VIII of 1827 in respect of one Hussain Ali Nathu Merchant, who is said to have died intestate in Mumbai, where he was ordinarily resident, on 18th December 2007. A copy of his death certificate is annexed. During his lifetime, the deceased lived at Umerkhedi, Dongri, Mumbai 400 009.

6. Mr. Hussain Merchant died a bachelor. His parents predeceased him. He had two sisters, Ruqaiya Siddiqui and Zainab Ahmedali. Ruqaiya died on 15th December 1964. Zainab died on 18th June 1976. Ruqaiya had three children, Moin Siddiqui, Jamil Siddiqui and the Petitioner, Shamim Merchant. Moin died on 19th March 1988. Jamil died on 9th July 1992. Zainab had two children, Farida and Khurshid Hussain Meghani. Thus, Shamim, Farida and Khurshid are the only three heirs. Shamim is the Petitioner. Farida and Khurshid has consented. Their names are mentioned in the tabulation below paragraph 4 of the petition.

7. Their being no no other Petition for a heirship certificate, succession certificate, probate or letters of administration with or without will annexed, there is no impediment to the grant of relief.

8. The petition is made absolute in terms of prayer clause (a) in favour of the persons mentioned in the table below paragraph 7, viz., Shamim F. Merchant, Khurshid H. Meghani and Farida Ahmedali.

9. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J.)