

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

MISC. PETITION NO. 47 OF 2017

Nadira Shaikh Mohamed Yusuf] Deceased

Sadiq Shaikh Mohamed Yusuf] Petitioner

.....
Mr. B.L. Mangale, for petitioner.

.....
CORAM : R.G. KETKAR, J.

DATE : 10th AUGUST, 2017.

P.C.

Heard Mr. Mangale, learned Counsel for the petitioner at length.

2. By this Petition u/s 2 of Bombay Regulation VIII of 1827 [for short 'Act'], petitioner has prayed for issuing Legal Heirship Certificate certifying that petitioner being son of Nadira Shaikh Mohamed Yusuf [since deceased] is the only heir and legal representative under the provisions of the Act.

3. Mr. Mangale submitted that the petitioner requires Heirship Certificate to make application to Revenue Authorities to record his name in respect of the property set out in the Schedule-I at Page 23. He submitted that in pursuance of order dated 12th April, 2017, petitioner has given notice about this Petition in two Newspapers viz: Free Press Journal, English language, Mumbai

Edition and Navshakti, Marathi language, Mumbai Edition setting out therein that if any person desirous to oppose the grant of relief sought in the Petition then he shall make an affidavit opposing grant with Registry within 30 days from the date of publication. Mr. Mangale has invited my attention to notice published in the Free Press Journal in English, Mumbai Edition and Navshakti in Marathi Edition as also affidavit of service. He submitted that the said notices were made in compliance of order dated 12th April, 2017. However, nobody has lodged affidavit opposing grant with the Registry.

4. In view of his submissions and for the reasons set out in the Petition which are un-controverted, in my opinion, as petitioner claiming to be son of the deceased, he is entitled to issuance of Legal Heirship Certificate. Hence, Petition is allowed in terms of prayer clause (a) with no order as to costs.

[R.G. KETKAR, J.]