

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

MISCELLANEOUS PETITION NO.157 OF 2016

Yasmin Liakatali Fatiwala

....Petitioner

Vs.

Liakatali Kasambhai Fatiwala

....Deceased

Mr. Devang Sharma i/b. Ms. Anita R. Manjalkar for petitioner.

CORAM : K.R.SHRIRAM, J.

DATE : 5th APRIL, 2017

P.C.:

1 Accepted. The petitioner is one of the legal heirs of late Liakatali Kasambhai Fatiwala. All other legal heirs have consented. Hence, issuance of proclamation is dispensed with and miscellaneous petition is made returnable forthwith and taken up for hearing and final disposal.

2 The petitioner seeks Legal Heirship Certificate under Section 2 of Bombay Regulation VIII of 1827, in respect of late Liakatali Kasambhai Fatiwala, who is said to have died intestate on 19th October, 2004 in Mumbai, where he was ordinarily resident. A copy of the death certificate is also annexed to the petition. The petitioner is the widow of the deceased.

3 The deceased was survived by his widow, two children – Aadila Liakatali Fatiwala and Aaliya Liakatali Fatiwala and other legal heirs as mentioned in the tabulation below paragraph 5 of the petition. The other legal heirs have consented to the grant of the Legal Heirship Certificate.

4 During his lifetime, the deceased was working as Professor in Government Polytechnic College at Bandra (East), Mumbai and Heirship Certificate is required to be produced to the Government Polytechnic College at Bandra to be included in the service book of the deceased.

5 It is stated in the petition that no other petition has been filed for grant of Legal Heirship Certificate or for Probate of any Will or for Letters of Administration with or without the Will. Therefore, I do not find any impediment to the grant of the relief as sought.

6 The petition is made absolute in terms of prayer clause – (a) in favour of the persons mentioned in the tabulation below paragraph 5 of the petition, viz., (1) Yasmin Liakatali Fatiwala, (2) Aadila Liakatali Fatiwala, (3) Aaliya Liakatali Fatiwala, (4) Shabbir Kasambhai Fatiwala, (5) Iqbal Kasambhai Fatiwala, (6) Mubrak Kasambhai Fatiwala, (7) Gulhamid Kasambhai Fatiwala, (8) Ruksana Kasambhai Fatiwala, (9) Yasin Kasambhai Fatiwala and (10) Vahida Kasambhai Fatiwala.

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

(K.R. SHRIRAM, J.)