

MISCELLANEOUS PETITION NO.21 OF 2017

Mohammed Ayub Gani
and others ... Petitioners.

Ms. Huda Diamondwala i/b. Diamondwala and Co. for
Petitioners.

DATE : 22nd MARCH,2017

2. The Petitioners who are five in number are the legal heirs of one Salma Mohammed Gani Raj Mohammed, who died on 16th September, 2009. It is stated that the Petitioners are the only surviving legal heirs of the deceased. The Petitioner No.1 is the son and the Petitioner Nos.2 to 5 are the daughters of the deceased.

3. Since all the legal heirs have come together to apply for this heirship certificate, issuance of proclamation is dispensed with. Miscellaneous Petition is returnable forthwith and taken up for hearing and for final disposal.

4. The Petitioners seek issuance of legal heirship certificate under Section 2 of the Bombay Regulation VIII of 1827 in respect of one Salma Mohammed Gani Raj Mohammed, who died intestate at Mumbai, where she was ordinarily residing on 16th September 2009. The copy of the death certificate is also annexed.

5. The husband of the deceased and the parents of the deceased have predeceased the deceased. During her lifetime, the deceased was having a house in her name at Thanjavur, Dist.Tamilnadu, and land as per the Schedule annexed to the Petition. The legal heirship certificate is required for transfer of the said property to the name of the Petitioners.

6. No application is made for any probate, letter of administration and for grant of succession certificate in respect of movable or immovable property of the deceased. Therefore, there is no impediment on grant of relief sought.

7. The Petition is made absolute in terms of prayer clause-a in favour of (i) Shri.Mohammed Ayub Gani,(ii) Smt.Zameela Yakub Shaikh (iii) Smt.Asara Sathakathullah Sheikh, (iv) Smt. Samsath Abdul Aziz and (v) Smt.Umal Hudha Jaffar Ali Shaikh.

8. This Petition is accordingly disposed of.

9. Parties to act on the authenticated copy of this order.

(K. R. SHRIRAM, J)