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

MISCELLANEOUS PETITION NO.28 OF 2019

Shajadi Khan ...Deceased

Anwar Khan ...Petitioner

Mr.B.G. Saraf for the Petitioner.

CORAM : R.D. DHANUKA, J.
DATE : 6TH FEBRUARY, 2019.

P.C. :-

1. By this petition filed under under section 2 of the Bombay Regulation Act VIII of 1827, the petitioner who is the son of the deceased Mrs.Shajadi Khan seeks heirship certificate. The said deceased died on 9th April, 2013. A copy of the death certificate is annexed to the petition.

2. In paragraph 2 of the petition, it is stated that the said deceased died intestate. In this paragraph, the names of the legal heirs and next of kin of the said deceased as per the provisions of the Mohamadian Law are disclosed. It is stated that save and except the names mentioned in paragraph 2 of the petition, there are no other legal heirs and next of kin left by the said deceased. It is stated that the parents, grand-parents and the husband of the said

deceased are pre-deceased the said deceased.

3. The petitioner has filed the consent affidavit of the married daughter viz. Mallika Siraj Khan giving her free consent for grant of heirship certificate in favour of the petitioner without service of any proclamation / citation or any notice and without justifying the security in respect of her share in the estate of the said deceased. The consent affidavit dated 1st February, 2019 is taken on record. The statements made in the said affidavit and in the petition are accepted. The proclamation is dispensed with.

4. The petitioner has made out a case for issuance of heirship certificate as prayed.

5. The miscellaneous petition is made absolute in terms of prayer clause (a). The office is directed to issue heirship certificate to the petitioner expeditiously.

6. There shall be no order as to costs.

(R.D. DHANUKA, J.)