

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

MISC. PETITION NO.163 OF 2018

Mohammed Nayeem Maqsood	...Deceased
vs.	
Shamima Begam Khan	...Petitioner

Mr. Adeeba Khan h/. Mr. A.A. Siddiqui, for the Petitioner.

CORAM : R.D. DHANUKA, J.

DATE : JANUARY 22, 2019

P.C.:

. By this Miscellaneous Petition, the Petitioner who is widow of the deceased Mohammed Nayeem Maqsood who died on 23rd June, 2017 prays for grant of heirship certificate under Section 2 of the Bombay Regulation Act VIII of 1827. The Petitioner No. 1 is widow, Nos. 2 and 3 are sons and No.4 is daughter of the deceased. A copy of the death certificate is annexed to the Petition at Exhibit A. The names of the legal heirs are disclosed in the Petition in paragraph 4. It is stated that the deceased left behind his surviving as his only heirs and next of kins as per Hindu Succession Act, 1956 whose names are disclosed in the Petition. The parents of the deceased predeceased the deceased. Save and except the legal heirs whose names are mentioned, there are no other legal heirs left by the said deceased.

2. The consent affidavits of the legal heirs are annexed to the Petition at page 40 to 51 giving their full and free consent for grant of the heirship certificate in favour of the Petitioner without service of any proclamation upon them and without justifying any surety in respect of their shares in the estate of the deceased. The said consent affidavits are taken on record. The statements made in the affidavit are accepted. The proclamation is dispensed with. The Petitioners have made out a case for grant of relief in terms of prayer clause (A).

3. The Miscellaneous Petition is made absolute in terms of prayer clause (A).

4. The office is directed to issue heirship certificate expeditiously. No order as to costs.

(R.D. DHANUKA, J.)