

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

MISCELLANEOUS PETITION NO. 62 OF 2022

Nasiba Mohamed Ahmedabadwala ... Petitioner

And

Mohamed Yahya Ahmedabadwala ... Deceased

Mr. Hafeez Patanwala i/b CNH and Associates for the Petitioner.

CORAM : R.I. CHAGLA, J.

DATED : 17th NOVEMBER, 2022.

ORDER :

1 By the present Petition, the Petitioner seeks a Legal Heirship Certificate under Section 2 of the Bombay Regulation Act VIII of 1827 in respect of the deceased Mohamed Yahya Ahmedabadwala who expired at Mumbai on 27.05.2016. A copy of the death certificate is at Exhibit-A to the Petition.

2 The deceased was survived by the Petitioner who is the widow of the deceased together with one son and one daughter of the deceased. The particulars of the surviving legal heirs of the deceased are mentioned in the tabular form at paragraph 4 of the Petition. Save and

except these Legal Heirs, there are no other legal heirs surviving the deceased.

3 It is stated in the Petition that Legal Heirship Certificate is required for submitting the same to relevant authorities, as the case may be, for the purpose of transferring/claiming the benefits of the movable and immovable properties held by the deceased.

4 The other legal heirs of the deceased filed their consent affidavits by which they given their full and free consent for the Legal Heirship Certificate to be granted to the Petitioner without service of proclamation upon them and without justifying the surety for their shares, if any, in the estate of the deceased.

5 No other Petition for legal heirship certificate, succession certificate, probate or letters of administration with or without will annexed has been filed. Therefore, I do not find any impediment in granting the relief sought for in the present Petition.

6 The Petition is accepted and made absolute in terms of prayer clause (a), which reads thus:-

“(a) *“This Hon’ble Court be pleased to issue a Legal Heirship Certificate to the Petitioner under the provisions of Bombay Regulation VIII of 1827 certifying that the Petitioner alongwith heirs mentioned in para no.4. herein above are the only heirs and legal representative of the Deceased;”*

7 Proclamation is dispensed with.

8 Miscellaneous Petition is accordingly disposed of. No order as to costs.

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SUSHIL
WAGHMARE
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(R.I. CHAGLA, J.)