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

MISCELLANEOUS PETITION NO.106 OF 2022

Sultana Begum Riyaz Ahmed Shaikh **...Petitioner**

Versus

Riyaz Ahmed Abdul Karim Shaikh @ A.K. **...Deceased**
Riyaz Ahamed

Mr. S.U. Lakdawala with Mr. Vijay Badgujar for the Petitioner.

CORAM : R.I. CHAGLA J.

DATE : 15TH SEPTEMBER, 2022

ORDER :

1. By this present Petition, the Petitioner seeks Legal Heirship Certificate under Section 2 of the Bombay Regulation Act, VIII of 1827 in respect of the deceased Riyaz Ahmed Abdul Karim Shaikh alias A.K. Riyaz Ahamed alias A.K. Riyaz Ahmed. A copy of the death certificate is annexed at Exhibit 'A' to the Petition. The deceased was survived by the Petitioner who is the widow of the deceased as well as one son and daughter of the deceased mentioned in the tabular form at paragraph 4 of the Petition. Save and except

those mentioned therein, there are no other legal heirs surviving the deceased.

2. It is stated in paragraph 6 of the Petition that the Legal Heirship Certificate is required for the Petitioners to produce before the concerned revenue authorities for transfer of the said property in favour of the Petitioner.

3. The other heirs of the deceased have filed their consent affidavits dated 8th March, 2022 by which they have given their full and free consent for issuance of the Legal Heirship Certificate in favour of the Petitioner without service of any proclamation upon them and without justifying any surety for their share in the property left by the deceased.

4. 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 reliefs sought for in the present Petition.

5. The Petition is accepted and allowed in terms of prayer

clause (a) which reads thus:-

“(a) That a Legal Heirship Certificate be granted in favour of Petitioner certifying along with heirs mentioned in Para 4 above, as legal representatives of the said deceased under the provision of Bombay Regulation Act, VIII of 1827.”

6. Proclamation is dispensed with.

7. The Petition is accordingly disposed of. No order as to costs.

[R.I. CHAGLA J.]