

Sharayu Khot.

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

MISCELLANEOUS PETITION NO. 146 OF 2022

Jaffer Ahmed Hussain s/o Jameel Ahmed
Hussain & Anr.

...Petitioners

And

Jameel Ahmed Hussain

...Deceased

Mr. Suraj Shetye for the Petitioners.

CORAM : R.I. CHAGLA J

DATE : 26 August 2022

ORDER :

1. By the present Petition, the Petitioner seeks a Legal Heirship Certificate under Section 2 of Bombay Regulation VIII of 1827 in respect of the deceased Jameel Ahmed Hussain, who expired in Mumbai on 13th January 2022. A copy of her death certificate is annexed at Exh.A to the Petition.

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2. The deceased was survived by the Petitioner No. 1 who is the son of the deceased and Petitioner No. 2 who is the wife of the

deceased. The Petitioners are the only surviving legal heirs of the deceased and their particulars are mentioned in the tabular form at paragraph 8 of the Petition.

3. It is stated in paragraph 5 of the Petition that the Legal Heirship Certificate is required for entry in the property card, land revenue records in the name of the Petitioners as legal heirs and legal representatives of the deceased after deleting the name of the deceased in the property card before the Tahasildar, Talathi office.

4. The Petitioners being the only surviving legal heirs of the deceased, there is no question of consent of any other heirs being required in the present case.

5. No other Petition for a heirship certificate, succession certificate, probate or letters of administration with or without will annexed has been filed. There is no impediment to the grant of relief 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 may issue the Legal Heirship Certificate thereby certifying the Petitioners i.e., Jaffer Ahmed Hussain and Mrs. Farhat Jameel Hussain as the legal heirs mentioned in the Petition as recognized legal heirs and representatives of the deceased.”

7. Proclamation is dispensed with.
8. Miscellaneous Petition is accordingly disposed of.
9. No order as to costs.

[R.I. CHAGLA J.]