

K.S. Jadhav

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

MISCELLANEOUS PETITION NO. 112 of 2022

Shaheda Saiffudiin

...Petitioner

Versus

Shamshul Huda Bihari

...Deceased

Mr. Siddharth Desai, Advocate for the Petitioner.

CORAM : R.I. CHAGLA J

DATE : 17th October, 2022.

ORDER :

1. By the present petition, the Petitioner seeks a Legal Heirship Certificate under Section 2 of the Bombay Regulation VIII of 1827 in respect of Shamshul Huda Bihari alias Shumshul Hoda Bihari, who expired in Mumbai on 13th April, 1987. The copy of the Death Certificate is annexed to the Petition at Exhibit A.

2. The deceased was survived by the Petitioner who is the daughter of the deceased as well as by another daughter of deceased. The wife of deceased expired on 3rd June, 2015. The deceased left no son. The particulars of the legal heirs are mentioned in the tabular

form at paragraph 5 of the Petition. There are no other legal heirs of the deceased other than those mentioned in the tabular form at paragraph 5 of the Petition.

3. It is stated in Paragraph 2 of the Petition that the Petitioner as legal heir of the deceased requires to produce the Legal Heirship Certificate for claiming of royalty amount pending in the name of deceased at The Indian Performing Right Society Limited, as daughter of deceased.

4. The other legal heir of the deceased viz. Abeda Oturkar (daughter of deceased) has filed her Consent Affidavit dated 04th March, 2021, wherein she has given her full and free consent in favour of the Petitioner for being granted the Legal Heirship Certificate.

5. No other Petition for 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) That legal heirship certificate there by certifying the Petitioner Shaheda Shafiuddin and Abeda Oturkar be recognized legal heirs and representative of the deceased be granted to the Petitioner ;”

7. Proclamation dispensed with.
8. Miscellaneous Petition is disposed of.
9. No order as to costs.
10. All concerned will act on production of a digitally signed copy of this order.

[R.I. CHAGLA J.]