

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

MISCELLANEOUS PETITION NO. 185 OF 2021

Sajid Ahmed Riyaz Ahmed Sheikh
alias Sajid Riyaz Shaikh ... Petitioner

And

Riyaz Ahmed Shaikh alias Riyaz Ahmed
Sheikh alias Riyaz Ahamad Sadar Ali
Shaikh alias Riyaz Ahamad Sadar Ali
Sheikh alias Reyaz Ahmad Sadar Ali ... Deceased

Ms. Vinali P. Bhaidkar for the Petitioner.

CORAM : R.I. CHAGLA, J.

DATED : 21st JANUARY, 2022.

(V.C.)

ORDER :

1 The learned Counsel appearing for the Petitioner has sought leave to substitute the Schedule at Exhibit-B of the list of assets and properties of the deceased with the Schedule which has been tendered in this Court and taken on record and marked 'X' for identification.

2 The permission is granted to the Petitioner to carry out the amendment by way of substituting Schedule at Exhibit-B which is list of

business assets and properties of the deceased with the Schedule which is taken on record and marked 'X' for identification. The amendment shall be carried out forthwith.

3 By the present Petition, the Petitioner seeks a legal heirship certificate under Section 2 of Bombay Regulation Act, VIII of 1827 in respect of the deceased Riyaz Ahmed Shaikh who expired at Mumbai on 31.08.2021. A copy of the death certificate is annexed to the Petition. The deceased was survived by the Petitioner, who is the son of the deceased, the widow of the deceased and another son of the deceased, whose particulars are mentioned in the tabular form at paragraph 3 of the Petition.

4 It is stated that the legal heirship certificate is required for being submitted to the concerned authorities including the Ministry of Overseas Indian Affairs who have required such submission of the heirship certificate for transferring the license/registration in respect of their business/agency namely M/s. Skyking Travel Service. The amended schedule of the assets and properties of the deceased is annexed to the Petition at Exhibit-B to the Petition.

5 The other legal heirs of the deceased being the widow of the deceased and the other son of the deceased have filed their consent

affidavits dated 24.11.2021 and 15.11.2021 giving their no objection to the legal heirship certificate being granted to the Petitioner without service of the proclamation/notice upon them and have given their full and free consent for grant of such legal heirship certificate in favour of the Petitioner, without justifying their share in the estate of the deceased and waiving service of citation of the Petition being served upon them.

6 No other Petition for legal 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.

7 The Petition is accepted and made absolute in terms of prayer clause (b) which reads thus :

“b. That this Hon’ble Court be pleased to issue a Legal Heirship Certificate to the Petitioner under the provisions of Bombay Regulation Act, VIII of 1827, certifying that the Petitioner along with the other heirs mentioned in paragraph 3 are the only legal heirs and representatives of the Deceased (Late) Riyaz Ahmed Shaikh alias Riyaz Ahmed Sheikh alias Riyaz Ahamad Sadar Ali Shaikh alias Riyaz Ahamad Sadar Ali Sheikh alias Reyaz Ahmad Sadar Ali.”

8 Proclamation is dispensed with.

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

(R.I. CHAGLA, J.)

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signed by
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SUSHIL
WAGHMARE
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