

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.136 OF 2022**

Nafisa Salebhai Sabir

... Deceased

Hakim Salehbhai Sabir

... Petitioner

Mr. Mustafa K. Banatwala for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 6th DECEMBER 2022

P.C. :

1. The Petitioner seeks the grant of a Legal Heirship Certificate under the provisions of Section 2 of the Bombay Regulation VIII of 1827 in respect of deceased Smt. Nafisa Salehbhai Sabir ("the said deceased"), who is said to have died intestate at Mumbai on 23/07/2019. A copy of the death certificate of Smt. Nafisa Salehbhai Sabir is also annexed to the Miscellaneous Petition. The said deceased is stated to have been the resident of Mumbai.

2. The Legal Heirship Certificate is required for the purpose of operating the bank account bearing Bank Account No.10360 of the Corporation Bank, Colaba Branch. The said deceased left behind her surviving as her only heirs and next of kin according to Muslim Law, by which she was governed the following persons, who are residing at the following address :-

1.	Mr. Hakim Salehbhai Sabir 50, Wodehouse Road, Orient Building, 1 st Floor, Colaba, Mumbai – 400 005.	Son
2.	Ms. Kashmira Salehbhai Sabir 50, Wodehouse Road, Orient Building, 1 st Floor, Colaba, Mumbai – 400 005.	Daughter

3. No other Petition for Legal Heirship Certificate, Succession Certificate, Probate or Letters of Administration with or without Will annexed has been filed. Therefore, there is no impediment in law to the grant of relief. The consent affidavit of the other legal heir is also placed on record.

4. The Miscellaneous Petition is therefore made absolute in terms of prayer clause (a) of the Miscellaneous Petition, which reads as under :-

“a. Legal Heirship Certifying that the Petitioners Mr. Hakim Salehbhai Sabir and Ms. Kashmira Salehbhai Sabir are the heirs and Legal representative of the deceased Smt. Nafisa Salehbhai Sabir may please be granted to the Petitioners.”

5. The Registry shall issue the Legal Heirship Certificate in the name of the above persons in the standard format prescribed for the same.

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

7. All concerned to act on the authenticated copy of this order.

(ARIF S. DOCTOR, J.)