

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

MISCELLANEOUS PETITION NO. 14 OF 2022

Rahman Bee w/o. Ansar Abdul Rehman ... Petitioner

And

Ansar Abdul Rehman alias M.A. Ansari ... Deceased

Mr. S.U. Lakdawala for the Petitioner.

CORAM : R.I. CHAGLA, J.

DATED : 4th FEBRUARY, 2022.

(V.C.)

ORDER :

1 By the present Petition, the Petitioner seeks legal heirship certificate under Section 2 of the Bombay Regulation Act, VIII of 1827 in respect of the deceased Ansar Abdul Rehman, who expired at Mumbai on 27.07.2019. A copy of the death certificate is also annexed to the Petition at Exhibit-A. The deceased was survived by his widow, who is Petitioner herein and two sons and three married daughters, the particulars of which are provided in tabular form at paragraph 4 of the Petition. The parents and grand parents predeceased the deceased. Apart from the

heirs and next of kin of the said deceased mentioned in the tabular form at paragraph 4 of the Petition, there are no other heirs and next of kin left by the deceased.

2 It is stated that the legal heirship certificate is required for submitting to the competent authorities declaring the legal heirs of the deceased in respect of the immovable property being residential plot of land bearing No.41, admeasuring 1,800 sq. ft. in Survey No.2/3B situated in Manimangalam Village, Tambaram Sub Registration District, South Chennai Registration District Sriperumanthur Taluka, Chengai MGR District, within the jurisdiction of Padappai Sub Registrar Office, Tamil Nadu. All the other legal heirs of the deceased mentioned in the tabular form at paragraph 4 of the Petition, have filed their joint consent affidavit dated 06.12.2021, by which they have given their full and free consent for issuance of legal heirship certificate in favour of the Petitioner without service of any citation/proclamation upon them and without any surety being justified in respect of their share in the estate of the deceased.

3 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 for granting the relief sought for in the present Petition.

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

*“a. That a Legal Heirship Certificate be granted in
favour of Petitioner along with heirs mentioned in Para
4 above certifying them as legal heirs / representative of
the said Deceased under the Provision of Bombay
Regulation Act, VIII of 1827.”*

7 Proclamation is dispensed with.

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

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signed by
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SUSHIL
WAGHMARE
Date:
2022.02.05
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(R.I. CHAGLA, J.)