

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

MISCELLANEOUS PETITION NO.190 OF 2023

Salim Jamal Ali Siddi : Deceased

Rukhsana Jamal Siddi : Petitioner

Ms. Manisha B. Gawde for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATED : 28th APRIL, 2023.

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 one Salim Jamal Ali Siddi ('the deceased'), who died on 23rd October, 2015. A copy of the death certificate is annexed to the Miscellaneous Petition. It is stated that despite due and diligent search, no Will of the deceased has been found. It is therefore assumed that the deceased died intestate.

2. The petitioner is only heir and next of kin according to Muslim Personal Law (Shariat) Application Act, 1937.

3. The reason for which the Legal Heirship Certificate is required is set out in paragraph 7 of the Miscellaneous Petition.

4. 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.

5. I have heard the learned Counsel appearing on behalf of the Petitioner as well as perused the said Petition. I find that the same is complete in all respect and deserves to be allowed in the interest of justice.

6. The Miscellaneous Petition is therefore allowed in terms of prayer clause (a) which reads as under :-

“a) This Hon’ble Court be pleased to issue a Legal Heirship Certificate to the Petitioner under the provision of Bombay Regulation VIII of 1827 certifying that the Petitioner above named is the only heir and legal representatives of the said deceased viz. Salim Jamal Ali Siddi;

7. The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same.

8. In view of the fact that Petitioner is the only legal heir, the issuance of proclamation is dispensed with.

9. The Miscellaneous Petition is accordingly disposed of. There shall be no order as to costs.

(ARIF S. DOCTOR, J.)