

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

MISCELLANEOUS PETITION NO.191 OF 2023

Shabana Jamal Alia Siddi : Deceased

Rukhsana Jamal Siddi : Petitioner.

Ms.Manisha B Gawde for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 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 Shabana Jamal Ali Siddi ('the deceased'), who is said to have died intestate on 17th May 2016. A copy of the death certificate of the deceased is also annexed to the Miscellaneous Petition. It is stated that despite due diligent search, no Will of the deceased has been found. It is therefore assumed that the said deceased died intestate.

2. The Petitioner is the only legal heir of the said deceased.

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 sought for by the Petitioner.

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 representative of the said deceased viz. Shabana 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 the Petitioner is the only legal heir of the deceased, the issuance of proclamation is dispensed with.

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

(ARIF S. DOCTOR, J.)