

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.386 OF 2023

Shafi Aboobacker s/o. Shafi Aboobacker Syed ... Petitioner

P. M. Aboobacker @ P. M. Aboobacker Saidalikutty
@ Poingareellath Madathiparambil Aboobacker ... Deceased

Mr. Praful Siddharth Pawar for Petitioner.

CORAM : MANISH PITALE, J.
DATE : OCTOBER 31, 2023

P.C. :

. By this petition filed under the provisions of the Bombay Regulation Act VIII of 1827, the petitioner is seeking issuance of legal heirship certificate in favour of the legal heirs specified in paragraph 4 of the petition.

2. It is stated that deceased died on 26.05.2023. Copy of the death certificate is annexed at exhibit A to the petition. It is also stated that although at the time of death, the deceased was in Kerala but his permanent address was 19, Mangatram Colony, Behind Mangatram Petrol Pump, LBS Road, Bhandup West, Mumbai - 400078. It is further stated that the deceased died intestate without leaving behind any Will. In paragraph 4 of the petition, details of the legal heirs of the deceased are given, which include the widow, two sons, including the petitioner, and a married daughter. They have given their consent affidavits, expressing no objection to the prayer made in the present petition. It is also specifically stated that the parents and grandparents of the deceased predeceased him and he has not left behind any other legal heir.

3. It is submitted that legal heirship certificate is necessary in the backdrop of the properties and business left behind by the deceased.

4. In view of the material placed before this Court, the petition is accepted and the proclamation is dispensed with. In the interest of justice, the petition is allowed in terms of prayer clause (a), which reads as follows:-

“a) That a Legal Heirship Certificate be issued under the provision of Bombay Regulation Act VIII of 1827, Certifying that Shafi Aboobacker s/o Shafi Aboobacker Syed (son) Petitioner abovenamed alongwith (1) Sharifa Aboobacker wd/o. Poingareellath Madathiparambil Aboobacker, (widow) and (2) Syed Hameed Abubacker s/o. Poingareellath Madathiparambil Aboobacker, (son) and (3) Zeenath w/o. N. P. Abdul Rasheed, Married daughter, are the only legal heirs and representatives of Deceased abovenamed.”

5. At this stage, it is pointed out that a liquor licence (FL-III) is also subject matter of the business of the deceased and that, the legal heirship certificate needs to be issued at the earliest, so that the petitioner can take appropriate steps in the matter, failing which the licence itself will expire in the near future.

6. In view of the aforesaid peculiar circumstances brought to the notice of this Court, department is directed to issue the legal heirship certificate within six weeks from today.

(MANISH PITALE, J.)

Minal Parab