

(Corrected as per speaking to minutes of order dated 10.11.2023.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION (L) NO.26429 OF 2023

Firoz Rais Khan ... Petitioner

Noorbanu Sheikh ... Deceased

Ms. Shirin Irani for Petitioner.

CORAM : MANISH PITALE, J.

DATE : OCTOBER 25, 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 respect of the deceased, who was his mother. It is stated that the deceased died on 17.06.2021 at Mumbai. Copy of the death certificate is placed at Exhibit-A, which shows that at the time of death, the deceased was residing at 209, Aero View CHSL, LBS Marg, Kurla (West), Greater Mumbai, Maharashtra. The copy of the death certificate also shows that the permanent address of the deceased was C-201, M. K. Residency, Buddha Colony, Vinoba Bhave Nagar, Kurla (West), Mumbai - 400 070. It is further stated in the petition that the deceased is survived by the petitioner being her son and a daughter, details of whom are given in paragraph 2 of the petition. It is stated in paragraph 5, as to the reason why the petitioner is constrained to file the present petition for grant of legal heirship certificate.

2. It is further brought to the notice of this Court that the sister of the petitioner, being the only other legal heir, has given her consent affidavit dated 13.03.2023. In the said affidavit, the sister of the petitioner has specifically given her no objection for grant of prayer made in the present petition. This Court has perused the aforesaid affidavit.

3. In view of the above, the petition is accepted and 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 the Heirship Certificate may be granted certifying that Petitioner Mr. Firoz Rais Khan, the son of the deceased, to be declared as the legal heir and legal representative of the deceased Noorbanu Sheikh, under the provision of the Bombay Regulation Act VIII of 1827.”

4. The department to proceed expeditiously in the matter.

5. The certified copy is expedited.

(MANISH PITALE, J.)

Minal Parab