

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.74 OF 2023**

Shehnaz A. M. Shati alias Shehanaz Hassan Inamdar
alias Shehanaz Abdullah Mohd. Ali Al Shatti ... Deceased

Sajid Mohammed Iqbal Sayyed ... Petitioner

Mr. Yogesh Panchal i/by Mr. Mayur Panchal for the Petitioner.

**CORAM : ARIF S. DOCTOR, J.
DATE : 14TH FEBRUARY 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 Shehnaz A. M. Shati alias Shehanaz Hassan Inamdar alias Shehanaz Abdullah Shatti ('the deceased'), who died in Kuwait on 13/12/2021. 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 persons mentioned in the table in Paragraph 4 are the only legal heirs and next of kin of the deceased according to Mohammadan Law, applicable to Sunni Muslims, by which she was governed at the time of her death.

3. The reason, for which the Legal Heirship Certificate is required, is set out in paragraph 8 of the Miscellaneous Petition.

4. The requisite consent affidavits of the other legal heirs are annexed to the Petition.

5. 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.

6. 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 in order and deserves to be allowed in the interest of justice.

7. The Miscellaneous Petition is therefore allowed in terms of prayer clauses (a) and (b), which read as under :-

“ a) That a Legal Heirship Certificate be issued under the provision of Bombay Regulation Act VIII of 1827, Certifying that Petitioner along with the heirs mentioned in Para 4 are the only heirs and legal representatives of the said deceased.

(b) That issuance of Proclamation be dispensed with.”

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

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

(ARIF S. DOCTOR, J.)