

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.279 OF 2023

Mukhtar Ahmed Moinuddin Kazi alias Mukhar
Ahmed Moinuddin Kasi ... Deceased

Afreen Mukhtar Ahmed Kazi ... Petitioner

Ms. Vaibhavi Parchake i/b. Iqbal Shaikh for Petitioner.

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

P.C. :

- . Heard learned counsel for the petitioner.
2. At the outset, the learned counsel for the petitioner submits that inadvertently, in paragraph 4 of the petition, it has been stated that Ms. Adiba Mukhtar Ahmed Kazi is unmarried daughter of the deceased although she is married. In that light, prayer is made for carrying out appropriate amendment in the petition.
3. Leave granted. Amendment be carried out forthwith. Re-verification is dispensed with.
4. By the present petition, the petitioner is seeking issuance of legal heirship certificate under Section 2 of the Bombay Regulation Act, VIII of 1827 in favour of the legal heirs (including the petitioner) mentioned in paragraph 4 of the petition.
5. The petitioner is the wife of the deceased Mukhtar Ahmed Moinuddin Kazi, who died at Mumbai on 18.07.2022. Copy of the death certificate is placed on record at Exhibit-A. It is stated that the deceased at the time of his death was residing at Plot No.15/16, G-2, Pushpa Niwas, Pushpa Park Road No.1, Near Asha Hospital, Malad (East), Mumbai - 400 097.

6. It is stated that the deceased is survived by his only legal heirs, whose details are given in paragraph 4 of the petition i.e. the petitioner (wife), Ms. Arifa Mukhtar Ahmed Kazi (unmarried daughter) and Ms. Adiba Mukhtar Ahmed Kazi (married daughter). It is further stated that there are no siblings of the deceased and that there are no heirs save and except those mentioned in paragraph 4 of the petition. The parents of the deceased pre-deceased him as is stated in the said paragraph.

7. In that light, proclamation is dispensed with.

8. It is further stated that the deceased has left behind certain movable and immovable properties, including bank accounts, fixed deposits etc., in the context of which, the certificate is required. It is stated that the deceased did not execute any Will and that no other petition has been filed for grant of probate or for grant of letters of administration.

9. In that light, the petitioner prays for grant of legal heirship certificate.

10. This Court has considered the contents of the petition and the documents filed therewith. Copies of Aadhar Cards of the petitioner and the ration card have been placed on record to show that the petitioner and the daughters are indeed included in the family of the deceased.

11. In view of the above, the petition is allowed in terms of prayer clause (A), which reads as follows:-

“(A) That a Legal Heirship Certificate certifying that the Petitioner along with the Heirs mentioned in Para No.4 are the only heirs and legal representative of the said deceased under the Provision of Bombay Regulation Act, VIII of 1827.”

12. The office is directed to take follow-up steps at the earliest.

(MANISH PITALE, J.)