

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 51 OF 2023

Late. Habibgul Ahmed Noor alias

Habibul Ahmed Noor

... Deceased

Smt. Talebibi Pardul Khan

... Petitioner

Adv. Shameem Fayiz i/by Hemali Kurne for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 10th 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 Late Habibgul Ahmed Noor alias Habibul Ahmed Noor ('the deceased'), who died on 06/04/1994. A copy of the death certificate is annexed to the Miscellaneous Petition.

2. The deceased left behind him the Petitioner as the sole legal heirs and next-of-kin of the deceased according to the Muslim Law.

3. The reason for requirement of Legal Heirship Certificate is set out in paragraph Nos. 6 and 7 of the 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.

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

6. The Miscellaneous Petition is therefore allowed in terms of prayer clause (i) which reads as under :-

“i) The Hon’ble Court be pleased to grant heirship certificate in the name the abovenamed Petitioner in respect of the complete ownership of the property at Survey no. 66, Hissa no. 24, village Borla Taluka South Salsette in the Registration Sub/District of Bandra.

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

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

(ARIF S. DOCTOR, J.)