

**Before :Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date 05th August, 2024**

FOR COMPLIANCE:

51. TP/1243/2024 P. Shri. Dishant Chitalia i/b MKS Legal Associates Ld.
[Original] C. : Advocate for the Petitioner

(ECHCBM021855
32023)

1) This is a petition for grant of Letters of Administration, under the Provisions of Indian Succession Act, 1925 (for short "IS Act") for the properties left by the deceased, namely AYESHA HAMZA SHEIKH (For short "Said deceased"). The petitioner, namely ARIEF AYAZ HAMZA SHAIKH, has filed documents such as true copy of the death certificate of the deceased, identity proof of the deceased, oath in the prescribed format, affidavit of service citation.

2) I have heard Ld. Advocate and perused the petition along with the documents. Ld. Advocate for the Petitioner submitted that he has uploaded affidavit of service online having document no. EDHCBM02384032024 and administration bond online having document no. EDHCBM02363662024. While carrying out the amendment schedule of the petition is not properly mentioned. Hence, petitioner to upload the schedule filed along with the earlier petition.

3) Said deceased died as a Widow on 09/05/2023 at Mumbai leaving behind her legal heirs, shown in the paragraph No. 4 of the petition. Petitioner states that there are no other legal heirs to the deceased, except heirs shown in the petition. Deceased left properties shown in the schedule.

4) Citation was issued, which has been duly affixed on the conspicuous part of the Hon'ble High Court and notice board of the Collector's Office at Mumbai and 14 days have been expired vide Rule 397(1) and (4) of the Bombay High Court(O.S.) Rules, 1980(for short "BHC Rules") and an

affidavit to that effect has been filed. Notice to collector has been issued vide Rule 396 of BHC Rules. Till today, no one appeared to resist the claim of the petitioner or nothing is brought to the notice regarding pending litigation pertaining to the same properties. Hence, the petition is treated as uncontested one.

5) Legal heirs of the deceased have consented by way of Affidavits to grant prayer of petitioner to grant a Letters of Administration, without reserving any right. They have accepted the facts, regarding their relationship, inter-se.

6) Petitioner has filed the administration Bond in prescribed form No. 118 with surety.

7) Ld. Advocate for the petitioner submitted that in view of provisions of the Muslim Laws applicable to Sunni Muslim, the petitioner, being Son of the deceased, is entitled to seek a Letters of Administration. Hence, facts stated by petitioner and heirs of the deceased, on oath, remained unchallenged and required to be accepted. Accordingly, petition deserves to be allowed, as prayed for. Hence, following order:

ORDER

- 1) Petition is allowed and the Letters of Administration be granted to the petitioner for properties, left by the deceased and shown in the schedule, in prescribed format as per the provisions of the Indian Succession Act, 1925.
- 2) The petitioner to file an account as under taken in a Petitioner's Oath within stipulated period.
- 3) Before issuance of the grant, the office to verify that there is no cross Petition is pending or caveat resisting the petition is filed.

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