

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

MISC. PETITION NO. 256 OF 2024

Asif Aziz Ahmad Khan ...Petitioner

Noorjahan Aziz Ahmed Khan ...Deceased

Ms. Seema Hunnurkar, i/b Seema Hunnurkar and Asso., for
the Petitioner.

**CORAM: N. J. JAMADAR, J.
DATED: 31st JULY, 2024**

PC:-

1. Heard the learned Counsel for the petitioner.
2. Leave to amend the Schedule of Assets.

Leave granted.

Necessary amendment be carried out within a week's
time.

3. This petition is filed for grant of heirship certificate
under Section 2 of the Bombay Regulation VIII of 1827.

4. Noorjahan Aziz Ahmed Khan (the deceased) was the
sister of the petitioner. The deceased passed away on 28th
July, 2023. At the time of her death, the deceased had a

fixed place of abode at at Flat No. E/105 Crescent Hill View, Surya Nagar, L. B. S. Marg, Vikhroli (West), Mumbai.

5. In the petition, it is averred that deceased died intestate and despite diligent search no testamentary writing or Will has been found. The deceased was a spinster. Her parents predeceased her. The deceased left behind the petitioner and four sisters, the particulars of whom are furnished in the table at paragraph 4 of the petition. Apart from the petitioner and heirs mentioned in the table at paragraph 4 of the petition, there is no other legal heir of the deceased. The heirship certificate is required to lay claim over the property described in the Schedule of Assets.

6. I have perused the averments in the petition. The averments in the petition find support in the documents annexed to the petition. The death certificate of the deceased does not indicate the name of the husband of the deceased. The documents on record indicate that the petitioner and the other siblings mentioned in the table at paragraph 4 are the surviving legal heirs of the deceased. The rest of the legal heirs have filed an affidavit giving consent for the grant of the heirship certificate. Hence, I do not find any impediment in granting the heirship certificate.

7. The petition stands allowed in terms of prayer clause (a), which reads as under:

“(a) This Hon’ble Court be pleased to issue a Legal Heirship Certificate to the Petitioner under the provisions of Bombay Regulation VIII of 1827 certifying that the petitioner, alongwith the heirs mentioned para no. 4 herein above are the only heirs and legal representatives of the deceased.”

8. Issue of proclamation is dispensed with.
9. The grant of heirship certificate is expedited.

[N. J. JAMADAR, J.]