



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC. PETITION NO.297 OF 2024**

Mohammed Hamid Atik Kureshi ... Petitioner

Shahida Khatoon Atik Kureshi ... Deceased

Mr. S.A.Shaikh with Mr. Shafi Ahmed Shaikh, for Petitioner.

CORAM: N.J.JAMADAR, J.

DATE : 5 SEPTEMBER 2024

P.C.

1. Heard the learned Counsel for the parties.
2. This petition is filed for grant of heirship certificate under Section 2 of the Bombay Regulation VIII of 1827.
3. Shahida Khatoon Atik Kureshi (deceased) was the mother of the Petitioner. The deceased passed away on 18 May 2022. At the time of her death, the deceased had a fixed place of abode at Chandani Agar, Koelewali, Shaikh Mishri Road, S.P Road, Sangam Nagar, Antop Hill, Mumbai- 400037.
4. The Petitioner avers that the deceased died intestate and despite diligent search, no testamentary writing or Will has been found. The deceased left behind the Petitioner as the sole surviving legal heir. The parents of the deceased have predeceased her. Atik Taufik Kureshi, the husband of the deceased, also predeceased her. A copy of the death certificate of Atik Kureshi is annexed at Exhibit B to the Petition. Birth certificate of the

Petitioner is annexed at Exhibit C to the Petition. Heirship certificate is required for a formal recognition as the legal heir of the deceased and produce the same before the concerned authorities.

5. I have perused the averments in the Petition. The documents annexed to the Petition find support to the claim of the Petitioner. Atik Kureshi, the husband of the deceased, seems to have predeceased her. The Petitioner appears to be the sole surviving Class I heir of the deceased. I, therefore, do not find any impediment in granting heirship certificate.

6. Hence, the following order :

ORDER

(i) The Petition stands allowed in terms of prayer clause (a), which reads as under :

“(a) That a Legal Heirship Certificate Certifying that the Petitioner is the only heirs and legal representative of the said deceased under the Provision of Bombay Regulation Act VIII of 1827.

(ii) Issue of proclamation is dispensed with.

(iii) Grant expedited.

(N.J.JAMADAR, J.)