

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

MISCELLANEOUS PETITION NO.591 OF 2024

Sarfaraz Ahmed Syed s/o.Hussain Syed ... Petitioner

And

Hussain Ahmed Syed

@ Sayed Hussain Sayed Ahmed ... Deceased

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Mr. Manoj Mane, for Petitioner.

CORAM: N.J.JAMADAR, J.
DATE : DECEMBER 16, 2024

P.C.

1. Heard the learned Counsel for the Petitioner.
2. This petition is filed for grant of heirship certificate under Section 2 of the Bombay Regulation VIII of 1827.
3. Hussain Ahmed Syed @ Sayed Hussain Sayed Ahmed (the deceased) was the father of the petitioner. He passed away on 22nd December, 2019. At the time of his death, he had a fixed place of abode at 3504, Group No.2, Chawl No.268, Tagore Nagar, Near Gaikwad Udyan, Vikhroli (East), Mumbai- 400083.
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 two sons and three daughters. One of the sons Ali Ahmed Syed has since deceased the deceased on 15th November, 2022,

issue less, leaving behind Nilofer Ali Ahmed Syed, the daughter in law of the deceased, the particulars of whom are mentioned at Serial No. 5a in the table at paragraph No. 4. The wife of the deceased Razia Begum Hussain Syed, predeceased the deceased, on 10th October, 2014. Copy of death certificate of Razia is annexed at Exhibit B to the petition. Apart from the heirs mentioned at paragraph No. 4, there is no other legal heir. The heirship certificate is required to lay claim over the property described in the Schedule of Property (Exh.F).

5. The documents annexed to the petition lend support to the claim of the petitioner. It appears Razia Begum, the wife of the deceased, predeceased the deceased. The heirs mentioned at Serial Nos. 1 to 5a are the surviving legal heirs of the deceased. The heirs mentioned at Serial Nos. 1 to 3 and 5a have filed affidavits giving their consent for grant of heirship certificate. Thus, I do not find any impediment in granting heirship certificate.

Hence, the following order :

ORDER

- (i) The Petition stands allowed in terms of prayer clause (a).
- (ii) Issue of proclamation is dispensed with.
- (iii) Grant expedited.

(N.J.JAMADAR, J.)