

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

MISCELLANEOUS PETITION NO. 632 OF 2024

Ashfaque Ahmed Abdul Wahid Ansari ...Petitioner

Abdul Wahid Mohmad Ansari ...Deceased

Ms Jyoti Badgujar, for the Petitioner.

CORAM: N. J. JAMADAR, J.

DATED : 18 DECEMBER 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.** Abdul Wahid Mohmad Ansari Alias Abdul Wahid Ansari Alias Abdul Ansari (deceased) was the father of the Petitioner. The deceased passed away on 12th April 2012. At the time of his death, the deceased had a fixed place of abode at Room No. 22/24, Gafoor Manzil, 3rd floor, 99, Byculla Station, Byculla (W), Mumbai 400 011.
- 4.** The Petitioner avers that the deceased died intestate and despite diligent search, no testamentary writing or Will has been found. The deceased has left behind Mr. Ashfaque Ahmed Abdul Wahid Ansari, the Petitioner and Mr. Asif Abdul Wahid Ansari, Mr. Arif Abdul Wahid Ansari, two sons, Mrs. Waheeda

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Ashfaque Ansari and Mrs. Sanobar Mohammed Iqbal, two daughters, particulars of whom are furnished in the table at Sr. Nos. (b) to (e), respectively, in paragraph 4. Mrs. Farida Abdul Wahid Mohmad Ansari, the wife of the deceased died on 26th June 2020. A copy of her death certificate is annexed at Exhibit “C” to the petition. There is no other legal heir. Heirship certificate is required to claim over the properties described in the Schedule (Exhibit “D”) to the Petition.

5. The documents annexed to the Petition lend support to the claim of the Petitioner. It appears that the Petitioner and his brothers and sisters, particulars of whom are furnished in the table at Sr. Nos. (b) to (e) in paragraph 4 are the surviving Class-I legal heirs of the deceased.

6. The heirs mentioned at Sr. Nos. (b) to (e) in paragraph 4 have filed a joint Affidavit giving their consent for the grant of Heirship Certificate. Hence I do not find any impediment in granting Heirship Certificate.

7. Hence the following order:

O R D E R

- (i) The Petition stands allowed in terms of prayer clause (b).
- (ii) Proclamation dispensed with.
- (iii) Grant expedited.

[N. J. JAMADAR, J.]