

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

MISCELLANEOUS PETITION NO.136 OF 2025

Hameed Ahmad Thakur

... Deceased

Nazir Hamid Thakur & Ors.

... Petitioners

Mr. Nikhil Ghate for the Petitioners.

CORAM : ARIF S. DOCTOR, J.

DATE : 15TH APRIL 2025

P.C. :

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1. The Petitioners seek the grant of a Legal Heirship Certificate under the provisions of Section 2 of the Bombay Regulation VIII of 1827 in respect of one Hameed Ahmad Thakur ('the deceased'), who died at Thane on 15th February 2022. A copy of the death certificate is annexed to the Miscellaneous Petition. It is stated that despite due and diligent search, no Will of the deceased has been found. It is therefore assumed that the deceased died intestate.

2. The Petitioners are the only legal heirs and next of kin of the deceased according to Muslim Personal Law (Shariat) Application Act, 1937.

3. The reason for which the Legal Heirship Certificate is required is set out in paragraph 9 of the Miscellaneous Petition.

4. As the Petitioners are the only legal heirs of the deceased, the question of filing any consent affidavit does not arise.

5. The Petition has been duly verified by the Registry. No other Petition for Legal Heirship Certificate, Succession Certificate, Probate or Letters of Administration with or without Will annexed has been filed. Therefore, there is no impediment in law to the grant of relief.

6. I have heard the learned Counsel appearing on behalf of the Petitioner as well as perused the said Petition. I find that the same is in order and deserves to be allowed in the interest of justice.

7. The Miscellaneous Petition is therefore 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 Petitioners namely 1) Nazir Hamid Thakur, 2) Imtiyaz Hameed Thakur, 3) Rizwan Hameed Thakur and 4) Riyaz Abdul Hamid Thakur under the provisions of

*Bombay Regulation VIII of 1827 certifying that the
Petitioners are the only legal heirs of the said deceased."*

8. The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same. Issuance of proclamation is dispensed with.

9. The Miscellaneous Petition is accordingly disposed of.

(ARIF S. DOCTOR, J.)