

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 685 OF 2024

Abdul Rafique Sayed

...Petitioner

Abdul Haq Sayed

...Deceased

Ms. Pranjali Singh for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 30TH JANUARY, 2025

P.C.:-

1. The Petitioner seeks the grant of a Legal Heirship Certificate under the provisions of Section 2 of the Bombay Regulation VIII of 1827 in respect of one Abdul Haq Sayed ('the deceased'), who died in Mumbai on 11th February 1993. 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 deceased left behind him the Petitioner as his only heir and next of kin according to Mohammedan Law.

3. The Legal Heirship Certificate is required to transfer the tenancy standing in the name of the deceased to the Petitioner.

4. The Registry has duly verified the Petition. 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.

5. 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.

6. The Miscellaneous Petition is therefore allowed in terms of prayer clause (a) which reads as under :-

“b) This Hon’ble Court pleased to issue a Legal Heirship Certificate to the Petitioner under the Provision of Bombay Regulation VIII of 1827 certifying that the Petitioner along with the heirs Mentioned in para 4 are the only heirs and legal representatives of the said deceased.”

7. The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same, subject to all compliance of office requisitions.

8. The Miscellaneous Petition is accordingly disposed of. There shall be no order as to costs.

(ARIF S. DOCTOR, J.)