

**Before :Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date 11th February, 2025**

FOR COMPLIANCE:

49. TP/2683/2024 P. C. Shri. Jayant J. Satghar i/b MOHD SAEED MOGHUL Ld. Advocate
[Original] : for the Petitioner
(ECHCBM0202915
2024)

1) This is a petition for grant of Letters of Administration, under the Provisions of Indian Succession Act, 1925 (for short "IS Act") for the properties left by the deceased, namely (1) Rehmat Bi Bashir Shaikh @ Rehmatbi Bashir Shaikh @ Rehematbee Sheikh Bashir Maniyar and (2) Shaikh Bashir Shaikh Jamal @ Shaikh Bashir Jamal @ Dr. Sheikh Bashir Sheikh Jamal (For short "Said deceased"). The petitioners, namely (1) Salma Sultana Mohd Asgar Mughal, (2) Sharfuddin Bashir Shaikh, (3) Najeeb Ashraf Bashir Shaikh, (4) Mujeeb Ashraf Bashir Shaikh and (5) Rehanabi Mohammadaismai Maniyar @ Rehana Parveen, (6) Rukhsana Mohammed Hussain Maniyar @ Ruksana Parveen, have filed documents.

2) I have heard Ld. Advocate. I perused the documents, such as true copy of the death certificates of both the deceased, affidavit with document to dispense with requisition of identity proof of the deceased, oath in the prescribed format, affidavit service citation.

3) Said deceased No. 1 died as a married on 27/11/2013 at Mumbai and deceased No. 2 died as a widower on 05/01/2003 at Mumbai leaving behind them legal heirs, shown in the paragraph No. 6 of the petition. Petitioners states that there are no other legal heirs to the deceased, except heirs shown in the petition. Deceased left properties shown in the schedule-I of the petition. The delay has been explained vide Rule 382 of the Rules.

4) Citation was issued, which has been duly affixed on the Notice Board of the Hon'ble High Court and notice board of

the Collector's Office at Mumbai and 14 days have been expired vide Rule 397(1) and (4) of the Bombay High Court(O.S.) Rules, 1980(for short "BHC Rules") and an affidavit to that effect has been filed. Notice to collector has been issued vide Rule 396 of BHC Rules. Till today, no one appeared to resist the claim of the petitioner or nothing is brought to the notice regarding pending litigation pertaining to the same properties. Hence, the petition is treated as uncontested one.

5) In view of the Order, passed in the TP No. 2918/2023, the all legal heirs of the deceased are petitioners, and therefore they are exempted from the furnishing the surety Bond.

6) Ld. Advocate for the petitioners submitted that in view of provisions of the Muslim Personal Laws applicable to the deceased, the petitioner No. 1, 5 & 6 being daughters and No. 2, 3,4 being sons of the deceased, are entitled to seek a Letters of Administration. Hence, facts stated by petitioners, on oath, remained unchallenged and required to be accepted. Accordingly, petition deserves to be allowed, as prayed for. Hence, following order:

ORDER

- 1) Petition is allowed and the Letters of Administration be granted to the petitioners for properties, left by the deceased and shown in the schedule, in prescribed format as per the provisions of the Indian Succession Act, 1925.
- 2) The petitioners to file an account as under taken in a Petitioner's Oath within stipulated period.
- 3) Before issuance of the grant, the office to verify that there is no cross Petition is pending or caveat resisting the petition is filed.

11th February, 2025

**Officer on Special Duty,
with Testamentary Department**