

**BEFORE : MRS. R.V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 2nd January'2025**

Sr. No. – 14-TP/5202/2024 with WILL/2080/2024
(AMH20240010099C202400002)

Ms. Shamiyana H. i/b. Arhat Legal, Advocate for the petitioner.

For Hearing :

Perused the petition. Heard Advocate for the petitioner. Advocate for the petitioner submitted that the provision of Special Marriage Act, 1954 alongwith the provision of Section 21 of Indian Succession Act 1925 is applicable while governing the estate of the deceased since the marriage of the deceased solemnised under the provision of Special Marriage Act'1954 and not as per the Islamic Muslim Law applicable in India the Shariat Act applicable to Muslims. Advocate for the petitioner relied upon the Judgment of Bombay High Court 4 AIR BOM 474 in Case of Sayeeda Shakur Khan & Ors. V/s Sajid Phaniband & Anr. and Judgment in Review Petition No. 41 of 2010 passed the Hon'ble Court (Coram : Smt. Roshan Dalvi, J.) in case of Bilquis Zakiuddin Bandoowala and Ors. v/s Shehnaz Shabbir Bandukwala.

While perusal of the petition it has been observed that in para no. 6 of the petition it is mentioned as under :-

“The said deceased left surviving him, as his only heirs and next of kin according to the Islamic Muslim law applicable in India the Shariat Act applicable to Muslims”.

Advocate for the petitioner requires to specify and clarify that the estate left by the deceased is governed by the Shariat Act or as per the Indian Succession Act'1925 since the deceased is married under the provision of Special Marriage Act,1954.

List the petition on 10.01.2025 for direction.

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**