

**Before :Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date 19th August, 2025**

FOR COMPLIANCE:

37. TP/6042/2024 P. C. Mr. Pranil Pawar i/b Rahul Singh, Ld. Advocate for the
:
petitioner

1) This is a petition for the grant of Letters of Administration, under the Provisions of the Indian Succession Act, 1925 (for short "IS Act"), for the properties left by the deceased, namely SAYED JALALUDDIN SADIQ KAZI (For short "Said deceased"). The petitioner, namely MARYADA RAMSWAROOP SHARMA, has filed documents.

2) I have heard Ld. Advocate. I perused the documents, such as a true copy of the death certificate of the deceased, identity proof of the deceased, an oath in the prescribed format, and an affidavit of service citation.

3) The deceased died as a married man on 07-06-2024 at Mumbai, leaving behind him legal heirs, shown in paragraph No. 4 of the petition. Petitioner states that there are no other legal heirs to the deceased, except the heirs shown in the petition. The deceased left properties shown in Schedule I of the petition.

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 the collector has been issued vide Rule 396 of the BHC Rules. Till today, no one has appeared to resist the claim of the petitioner, nor has anything been brought to the notice regarding pending litigation about the same properties. Hence, the petition is

treated as an uncontested one.

5) In view of the order passed by the Hon'ble Court in TP Nos. 2556 & 2559 of 2022, dated 28.02.2023 and in TP/2918/2023, the petitioner, being the sole heir of the deceased, is exempted from furnishing the administrative bond.

6) In para no. 11 of the petition, the petitioner states that she was born a Hindu and after getting married to the deceased, she converted her religion vide conversion certificate dated 31.12.1997 and the deceased and petitioner married under the Muslim Marriage Act. Petitioner further averred that she has reconverted to the Hindu religion, and she has also obtained the certificate of Arya Samaj, Goregaon, at Exhibit-F.

7) Petitioner has categorically stated in para no. 4 vide Rider -I that there are no other next of kin and no such classes of heirs such as sharers residuaries and distant kindred left behind the deceased other than the petitioner on the date of the death, and therefore, the theory of return will be applicable. Accordingly, the petitioner, being the sole legal heir of the deceased, is entitled to claim the property left by the deceased. Ld. The advocate for the petitioner argued that on the date of the deceased, the petitioner was Muslim. On the date of death, the petitioner, being the widow of the deceased, is claiming the property left by the deceased. Therefore, as per the law laid down by the Hon'ble Oudh High Court in the case of **Abdul Hamid Khan Vs. Peare Mirza {(1935)10 Luck 550 = AIR 1935 OUDH page no. 17}** and the decision of the Hon'ble Bombay High Court in the case of **Mir Isub Vs. Isab {(1920) 20 Bom LR 1942}**, the widow of a Muslim is entitled to inherit the property of the deceased in the absence of other residuary heirs. Under these circumstances, Ld. Advocate for the petitioners' submission is that once interest in a property, being the widow of the deceased, is vested, it cannot be divested due to subsequent conversion. In light of this, the

submission is accepted. Therefore, the petitioner, being the widow of the deceased at that relevant time, is entitled to get the Letters of Administration for administering the property of the deceased annexed in the schedule. Therefore, it will be proper to issue Letters of Administration. Furthermore, whatever facts have been stated by the petitioner, on oath, remained unchallenged and required to be accepted. Accordingly, the petition deserves to be allowed, as prayed for. Hence, following the order:

ORDER

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

19th August, 2025

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