

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

MISCELLANEOUS PETITION NO.51 OF 2025

Ismail Ibrahim Patel & Ayesha Ismail Patel ... Deceased

Shakeel Ismail Patel ... Petitioner

Adv. Ernest Tuscano a/w Mark D'Britto for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 20TH FEBRUARY 2025

P.C. :

**MUGDHA
MANOJ
PARANJAPE**

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MUGDHA MANOJ
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Date: 2025.02.20
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1. Since all the other legal heirs have filed consent affidavits, issuance of proclamation is dispenses with.

2. 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 Ismail Ibrahim Patel & Ayesha Ismail Patel ("the deceased"), who died on 17th September 2014 and 10th April 2021 respectively. The copies of the death certificates are 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.

3. The deceased left behind them surviving as their only heirs and next of kin according to Muslim Shariat Act, 1937, the persons mentioned in the table in paragraph 6 of the Petition.

4. The reason for which the Legal Heirship Certificate is required is set out in paragraph 13 of the Miscellaneous Petition.

5. The other legal heirs of the deceased have filed consent affidavits, which are annexed to the Petition.

6. 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.

7. 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.

8. The Miscellaneous Petition is therefore allowed in terms of prayer clauses (a) and (b), which read as under :-

“a. The Petitioner, Sana Nazir Patel and Shehban Nazir Patel may be declared as the Legal heirs of Late Ismail Ibrahim Patel & Late Ayesha Ismail Patel.

b. Legal Heirship Certificate certifying that the Petitioner, Sana Nazir Patel and Shehban Nazir Patel are the only Legal heirs of Late Ismail Ibrahim Patel & Late Ayesha Ismail Patel may be issued under the provisions of the Bombay Regulation VIII of 1827;”

9. The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same.

10. The Miscellaneous Petition is accordingly disposed of.

(ARIF S. DOCTOR, J.)