

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 180 OF 2025**

Asarali Akil Rehmat Ali Khan

...Petitioner

Rehmat Ali Khalil Khan

...Deceased

Mr. Dinesh Wani i/b Jayant Wani for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 02nd APRIL, 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 Rehmat Ali Khalil Khan (“the deceased”), who died at Mumbai on 04.02.2021. 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 surviving as his only heirs and next of kin according to Mohammeden Shariate Law, Applicable to Sunni Muslim Communities under the Muslim Personal Law (Shariat) Application Act, 1937, the persons mentioned in the table in paragraph 4 of the Petition.

3. The reason for which the Legal Heirship Certificate is required is set out in paragraph 6 of the Miscellaneous Petition.

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

5. 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.

6. 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.

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

“ a. The certificate of Heirship thereby certifying the petitioner along with heirs mentioned in para 4 of the petition be and are recognized as heirs of the deceased LATE RAHMAT ALI KHALIL KHAN, under the form of the Bombay regulation VIII of 1827, be granted to and in favour of the Petitioner.”

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

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

(ARIF S. DOCTOR, J.)