

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

MISCELLANEOUS PETITION NO.612 OF 2024

Mohammed Jawad Palnejad alias

Mohammad Jawad Paknejad ... Deceased

Gulam Hussain Paknejad ... Petitioner

Adv. Fatema Rampurwala a/w Lata Khaarwa for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 30TH 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 Mohammed Jawad Palnejad alias Mohammad Jawad Paknejad ('the deceased'), who died at Mumbai on 31st August, 2006. 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 the Petitioner surviving as his only heir and next of kin according to Muslim Personal Law (Shariat) Application Act, 1937.

3. The reason for which the Legal Heirship Certificate is required is set out in paragraph 7 of the Miscellaneous Petition.

4. 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.

5. 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.

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

“ a. That Hon’ble Court be pleased to condoned the delay in filing present Petition.

b. This Ho’ble Court be pleased to issue a Legal Heirship Certificate to the petitioner under the provision of Bombay Regulation VIII of 1827 certifying that the Petitioner mentioned above in para 4 is the only heirs and legal representatives of the said deceased.”

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

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

(ARIF S. DOCTOR, J.)