

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 616 OF 2024

Faizullah Ataullah Shaikh alias Fajula Ataulla ...Deceased
Shaikh

Imtiyaz Ahmed Faizullah Shaikh ...Petitioner

Mr Manoj Mane, for the Petitioner.

CORAM: ARIF S. DOCTOR, J
DATED: 3RD JANUARY 2025

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PC:-

1. The Petitioner/s seek/s the grant of a Legal Heirship Certificate under the provisions of Section 2 of the Bombay Regulation VIII of 1827 in respect of one Faizullah Ataullah Shaikh alias Fajula Ataulla Shaikh (**"the deceased"**), who died in Mumbai on 18th October 2016. 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 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 paragraphs 7 and 9 of the Miscellaneous Petition.

4. The other legal heir of the deceased has filed Consent Affidavit, which is annexed to the Petition.

5. 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.

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 clauses (a) and (b), which read as under:

“ (a) That a Legal Heirship Certificate be issued under the provision of Bombay Regulation Act VIII of 1827 Certifying that (1) Intiyaz Ahmed Faizullah Shaikh (Son of the deceased and the Petitioner herein) and (2) Shabana Bano Mumtaz Ahmed Shaikh (Daughter-in-Law of the deceased). are the only heirs and Legal representative of the deceased.

(b) That issuance of Proclamation be dispensed with.”

8. The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same.
9. The Miscellaneous Petition is accordingly disposed of.

(ARIF S. DOCTOR, J)