

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 627 OF 2024

Rashida Bibi Alimiyan Sarang

...Petitioner

Alimiyan Abdul Rehman Sarang

...Deceased

Mr. Hamid Ansari a/w Afsha Khan i/by Aaliya Sameer Shaikh for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 15TH JANUARY, 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 Alimiyan Abdul Rehman Sarang ('the deceased'), who died in Mumbai on 7th August, 2023. 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 Petitioner is the sole heir and next of kin of the deceased according to Muslim Personal Law.

3. The reason for which the Legal Heirship Certificate is required is set out in paragraph 5 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 clause (a) which reads as under :-

"a. This Hon'ble Court may issue the Legal Heirship Certificate thereby certifying the Petitioner i.e., Rashida Bibi Alimiyan Sarang as the mentioned in the Petition as recognized legal heir and representative of the 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.)