

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 662 OF 2024

Lucknowala Abbas Mohamadaly alias Abbas ...Deceased
Mohamed Ali Lucknowala

Shirin Abbas Lucknowala ...Petitioner

Mr Prabhu Velar, 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 Lucknowala Abbas Mohamadaly alias Abbas Mohamed Ali Lucknowala ("**the deceased**"), who died in Mumbai on 22nd April 2008. 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 Mohammedan Law and Indian Succession Act 1925, 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 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 clause (a), which reads as under:

“ (a) This Hon'ble Court be pleased to issue a Legal Heirship Certificate to the Petitioner under the provision of Bombay Regulation VIII of 182713 certifying that (1) Shirin Abbas Lucknowala (widow) and (2) Asif Abbas Adiji (Son), are the only surviving legal heirs and legal representative of the abovenamed deceased i.e., Lucknowala Abbas Mohamadaly alias Abbas Mohamed Ali Lucknowala.”

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.
10. Issuance of proclamation is dispensed with.

(ARIF S. DOCTOR, J)