

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISC. PETITION NO. 154 OF 2025**

Ishrat Ehtesham Shaikh		Petitioner
Ansar Ahmed Mohammad Yusuf		
Kotwal alias Ansar Ahmed M. Y.		
Kotwal		Deceased

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Mr. Prabhu Velar i/b Mr. Manoj Mane, for the Petitioner.

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CORAM : ARIF S. DOCTOR, J.

DATE : 26th MARCH, 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 Ansar Ahmed Mohammad Yusuf Kotwal alias Ansar Ahmed M. Y. Kotwal who died on 23rd February, 2015 in Mumbai. 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 paragraph 7 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) That a Legal Heirship Certificate be issued under the provision of Bombay Regulation Act VIII of 1827 certifying that (1) Ishrat Ehtesham Shaikh (Married Daughter of the deceased and the Petitioner herein), (2) Ismat Jehan Asfak Shaikh (Married Daughter of the deceased), (3) Nusrat Jehan Ansar Ahmed Kotwal (Married Daughter of the deceased), (4) Mujib Ahmed Ansar Ahmed Kotwal (Son of the deceased) and (5) Muhib Ahmed Ansar Ahmed Kotwal (Married Son of the deceased), are the only heirs and Legal representative of the deceased”.

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.]