

Amberkar

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

MISC. PETITION NO. 507 OF 2025

Amirali Mohamedali Surani .. Deceased

Farida Amirali Surani .. Petitioner

-
- Ms. Shobhana Waghmare, Advocate for Petitioner

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CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 19, 2025

P. C.:

1. Heard Ms. Waghmare, learned Advocate for Petitioner.
2. Directions contained in twin orders dated 20.09.2025 and 03.11.2025 stand complied with. Appropriate affidavit of service dated 10.11.2025 has been filed by Ms. Waghmare, *inter alia*, intimating service on the non-consenting legal heirs through the bailiffs' office and packets have been returned back with remark "unclaimed". Issuance of any further proclamation therefore stands dispensed with.
3. Present Misc. Petition is filed by Petitioner for issuance of Legal Heirship Certificate under Section 2 of Bombay Regulation VIII of 1827 in respect of the properties and credits of deceased abovenamed. It is filed by wife. One of the son of Petitioner has given his consent. Consent of the other son and one married daughter is not appended.

Necessity in that regard for giving surety of non-consenting legal heirs in view of the above facts which are stated stands dispensed with. Petitioner is directed to file appropriate Administration Bond along with affidavit as required by Department to justify surety of the non-consenting legal heirs.

4. Considering the reliefs prayed for in Petition where Grant is sought in the names of all four legal heirs, there can be no impediment in allowing the Petition. Hence, Misc. Petition is allowed and disposed of in terms of prayer clauses (a) and (b) which read thus:-

"(a) Delay of 2 years be condoned;

(b) That That the Legal Heirship Certificate may be granted to Petitioner alongwith Mr. Naushad Amirali Surani, Jasmin Amirali Surani And Soheil Amirali Surani all being the legal heirs and they all be declared as legal heirs and legal representatives of the deceased, under the provision of Bombay Regulation Act VIII of 1827"

5. Issuance of proclamation stands dispensed with.

6. Department is directed to issue the legal heirship certificate as directed above within a period of 3 weeks from today positively.

7. Misc. Petition is allowed and disposed subject to compliance of office objections, if any, forthwith which shall be allowed by the Department. It is clarified that the 3 week period shall start from the date of removal of office objections.

8. Misc. Petition is allowed and disposed.

Amberkar

[MILIND N. JADHAV, J.]

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