

Ajay

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

MISCELLANEOUS PETITION NO. 865 OF 2025

Mohammed Rafique Abdul Quadir Kazi alias
Mohammed Rafiq Abdul Kader Kazi alias Mohd
Rafique Abdul Quadir Kazi alias Mohammed
Rafik Kazi .. Deceased

Aysha Mohmmmed Rafique Kazi .. Petitioner

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- Ms. Bhakti Patil a/w Prabhu Velar i/b Shivhare Bina Suresh,
Advocates for Petitioner.

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CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 7, 2025.

P.C.:

- 1.** Heard Ms. Patil, learned Advocate for Petitioner.
- 2.** 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 Mohammed Rafique Abdul Quadir Kazi alias Mohammed Rafiq Abdul Kader Kazi alias Mohd Rafique Abdul Quadir Kazi alias Mohammed Rafik Kazi. The names and details of legal heirs of the deceased are stated in paragraph No. 5 of the Petition. Purpose for filing the present Petition is stated in paragraph No. 7 of the Petition. I have perused the same.
- 3.** Joint consent affidavit dated 26.09.2025 of Bushra Mohmmmed Rafique Kazi and Aysha Mohmmmed Rafique Kazi in capacity

of natural guardian of Aqsa Mohammed Rafique Kazi, the legal heirs are filed on record and appended at page No. 28 of Petition.

4. In view of the above, there can be no impediment in allowing the Petition. Misc. Petition is allowed and disposed of in terms of prayer clauses 'a' and 'b' which read thus:-

- “(a) That legal heirship certificate there by certifying the (1) Petitioner Aysha Mohammed Rafique Kazi (Widow) and (2) Bushra Mohammed Rafique Kazi (Daughter) and (3) Aqsa Mohammed Rafique Kazi (minor daughter) be recognized legal heirs and representative of the deceased be granted to the Petitioner;*
(b) The delay so caused in filing the above Petition may be condoned;”

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.

[MILIND N. JADHAV, J.]

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