

HARSHADA H. SAWANT
(P.A.)

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

MISCELLANEOUS PETITION NO.1012 OF 2025

Zulekha alias Julekhabi Adam Shaikh alias
Julekhabi Shaikh Adam .. Deceased

Riyaz Ahamad Adam Shaikh .. Petitioner

.....

- Ms. Pratiksha Babar, Advocate i/by Mr. Ravindra Babar and Ms. Sujata Babar for Petitioner.

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CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 23, 2025

P.C.:

1. Not on Board. Mentioned by way of filing praecipe dated 23.12.2025. Perused the praecipe.

2. Heard Ms. Babar, learned Advocate for Petitioner.

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 Zulekha alias Julekhabi Adam Shaikh alias Julekhabi Shaikh Adam. The names and details of legal heirs of the deceased are stated in paragraph No.4 of the Petition. Purpose for filing the present Petition is stated in paragraph No.9 of the Petition. I have perused the same.

4. The deceased expired on 21.03.2012 and copy of her death certificate is appended at Exhibit-A, page No.19. The husband of the

deceased namely Adam Rehman Shaikh predeceased the deceased on 01.06.2012 and his copy of death certificate is appended at Exhibit-B page No.21. The daughter of the deceased namely Farida Adam Shaikh died as spinster on 01.08.2025 and her copy of death certificate is appended at Exhibit B-1, page No.22. Joint Consent affidavit dated 14.11.2025 of Rashida Najmal H. Budye (married daughter) and Mumtaz Adam Shaikh (unmarried daughter), who are also the legal heirs of the deceased are filed on record is appended at page No.31 of Petition.

5. 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', 'b' and 'c' which read thus:-

*“(a) That Legal Heirship Certificate be issued Certifying that the Petitioner viz. **RIYAZ AHAMAD ADAM SHAIKH**, his Sisters Viz. **RASHIDA NAJMAL H BUDYE** and **MUMTAZ ADAM SHAIKH** are the only Heirs and Legal Representatives of the Deceased under the provision of Bombay Regulation Act VIII of 1827;
(b) Proclamation may be dispensed with.
(c) Delay of approx.9 years and 9 months may be condoned;”*

6. Issuance of proclamation stands dispensed with.

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

8. Misc. Petition is allowed and disposed subject to compliance

of office objections, if any, forthwith which shall be allowed by the
Department.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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