

MHPU020462482025



Received on :- 25/11/2025

Registered on:- 29/11/2025

Decided on :- 30/07/2026

Duration :- 00 Yrs.– 08 M – 05 Days

**IN THE COURT OF 20th JT. CIVIL JUDGE, SENIOR DIVISION,
PUNE.**

(Presided Over By Y. D. Koinkar)

Civil M.A. No. 2290/2025

Exh. No. 20

1] Tabassum Salim Shaikh

Age:- 39 years, Occupation :- Housewife

R/at. Building No. 67, Flat No.5,

Opp. Kausar Baug Masjid,

Kausar Baug, Kondhwa Khurd,

Pune – 411048.

Through Power of Attorney Holder

Tarannum Ahmed Sayed

2] Tarannum Ahmed Sayed

Age:- 41 years, Occupation :- Housewife

R/at. Flat No.203, C Wing,

Amara Quaream, Residence,

Mohammadwadi, Pune 411060.

....Applicant.

V/s.

NIL

.... Non-applicant.

Advocate for the applicants – Sana Quasmi

JUDGMENT

(Delivered on 30/07/2026)

This application is filed for grant of Heirship Certificate under provisions of Bombay Regulations VIII of 1827.

02] The applicants stated that, father of Applicants i.e. Saleem Shaikh Ismail @ Shaikh Saleem Shaikh died on 10/06/2025 at Pune and Mother of Applicants i.e. Malikha Salim Shaikh died on 28/07/2023 at Pune. The deceased person died intestate, they do not execute any Will or Codicil during their life time and hence provisions u/s. 397 Indian Succession Act will not be applicable. The applicants are the only legal heirs of the **Late Saleem Shaikh Ismail @ Shaikh Saleem Shaikh and Late Malikha Salim Shaikh.**

03] Property mentioned below is the property of the **Late Saleem Shaikh Ismail @ Shaikh Saleem Shaikh.**

Description of Properties:- All that piece and parcel of Flat No. 5 area admeasuring 67.84 Sq. Mtrs. i.e. 730 Sq. ft. on 2nd floor along with common parking in the building society known as “Kausar Baug Co. Op. Hsg. Soc. Ltd”, situated at Village Kondhwa Kh., Tal. Haveli, Dist. Pune within the limits of Pune Municipal Corporation and within the jurisdiction of Sub-Registrar Tal. Haveli.

04] Applicants prayed that, Heirship Certificate be granted to them to get the benefits of the said Property. So, they are intending to obtain Heirship Certificate. Hence, this application.

05] After receipt of application, paper proclamation and Citation notices were issued. Proclamation was published in Daily Newspaper at **Exh.07** for calling objections of public to the status of applicant with deceased. The copy of citation notice is at **Exh.06**. Despite proclamation and citation notice none appeared and raised any

objection about the status of applicants with deceased.

06] On perusal of record, following points arose for my determination on which, I have recorded my findings thereon as under:-

Sr. No.	Points	Findings
1)	Whether applicants are the only legal heirs of deceased Saleem Shaikh Ismail @ Shaikh Saleem Shaikh ?	Yes.
2)	Whether applicants are entitled for Heirship Certificate ?	Yes.
3)	What order ?	As per final order.

REASONS

As to Point Nos.1 to 3

07] In order to substantiate there case, the applicant No.2 have filed the evidence affidavit at **Exh. 08**. He reiterated all the facts mentioned in the application. Applicant have filed Death Certificate of deceased Saleem Shaikh Ismail @ Shaikh Saleem Shaikh at **Exh. 09**, copy of Death Certificate of deceased Malikha Salim Shaikh at **Exh. 10**, copy of sale deed dated 31/05/1994 at **Exh. 11**, copy of Power of Attorney dated 23/09/2025 at **Exh.12**, Copy of Aadhar card of Applicant No. 1 and 2 at **Exh.13 & 14** respectively. All the documents corroborates the claim of heirship.

08] Ld. Adv. for applicants stated that, the Hanfi School of Muslim Law is applicable to parties which is one of the largest and oldest school founded by Abu Hanafa. As per this school the heirs are

classified in to Quranic heirs, agnatic heirs and uterine heirs. The Hanafi school favours male heirs, but women can inherit as co-shares if led by a male heir. The estate is divided among heirs, with specific shares allotted to sharers first, followed by residuaries. So, according to them there are no any legal heirs except applicants.

09] Considering the evidence on record it appears that, deceased Saleem Shaikh Ismail @ Shaikh Saleem Shaikh and Late Malikha Salim Shaikh are father and mother of Applicants. So, in my view, applicants are the only legal heir of late deceased Saleem Shaikh Ismail @ Shaikh Saleem Shaikh and is entitled for heirship certificate.

10] This heirship certificate is granted under the Bombay Regulation VIII of 1827 only for the purpose of recognition of heirs. Hence, this legal Heirship Certificate shall not be valid for receiving monetary benefits if any, left behind the deceased persons by virtue of part X of The Indian Succession Act, 1925 r/w Article 11 of Schedule I of the Maharashtra Court Fees Act, 1959.

11] In view of above findings and observations, I have recorded point Nos. 01 and 02 in affirmative and point No.03 accordingly, and proceed to pass the following order :-

ORDER

- 1) Applicant No. 1 **Tabassum Salim Shaikh** and Applicant No.2 **Tarannum Ahmed Sayed** hereby recognized as legal heirs of deceased Saleem Shaikh Ismail @ Shaikh Saleem Shaikh.

- 2) Issue legal Heirship Certificate in the name of applicants are in prescribed format.
- 3) Applicants are directed to pay the requisite or proper court fee on the properties mentioned in the application as per rules.
- 4) Legal heirship certificate be given to the applicants by retaining its verified copy duly verified by Nazir/Assistant Superintendent for future office work. Assistant Superintendent is directed to verify a copy of legal heirship certificate, for this purpose.
- 5) It be given on proper identification and submitting necessary Court fees as per Rules.

Date:- 30/07/2026

Place:-Pune

(Y. D. Koinkar)
21st Jt. Civil Judge Sr. Division,
Pune.

CERTIFICATE

“ I affirms that the contents of this PDF file Order/Judgment are same word to word as per the original.”

Name of the Stenographer	: Shri M. K. Nerkar
Name of the Court	: Shri. Y. D. Koinkar 21 st Jt. C. J. S. D. & Addl. C.J.M., Pune.
Date of Order	: 30/07/2026
Order signed by PO on	: 30/07/2026
Order uploaded on	: 30/07/2026