

Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :- 24th October, 2024

FOR COMPLIANCE:

1. TP/602/2024 P. C. : Shri. Vedant Chorge i/b Atmaram Patade Ld. Advocate for
[Original] the Petitioner
(ECHCBM0206823
2023)

1. Perused petition along with written submission uploaded in the petition, read relevant provisions referred in the written submission. Ld. Advocate for the petitioner has relied upon the relevant extract from the books whose names are mentioned herein below as under;

I. Baillie Digest of Mohammedan Law, Part 7, Vol. 2, p, 714. (2nd Edn. 1875)

II. Al Sirajiyah Mohmmedan Law of Inheritance by Almaric Rumsey (2nd Edn. 1890) p.68

III. Inheritance in Islamic by Muhammad Imran Muhammad pg. 7

IV. Student's Handbook of Mahommedan Law by Ameer_Ali_ Syed, Sixth Edition, Calcutta S. K. Lahiri & Co. 1912. pg. 36

V. Islamic Will and Testament booklet by Muhammad al-jibali pg. 75

VI. Al-mirath : inheritance according to the Shari'ah law of Islam by Abdul-Rauf,. Muhammad, 1917 Pg.110

VII. A_manual_of the Mahommedan _Law_of Inheritance and contract by Grady, Standish Grove Pg.22

VIII. Principles of Muhammadan law Macnaghten, William by Pg.16

IX. ISLAMIC LAWS OF INHERITANCE Original title in Urdu By: K. Abit Yasir Ameen- ur-Rahman Pg.140

X. Moohummudan law of inheritance and rights and relations affecting it by Rumsey, Almaric, Pg.161

XI. Islamic Law of Inheritance Rules and Calculations by Muhammad Ekramul Haque Chapter 9., Pg. 233

XII. Succession in the Muslim family By Coulson, Noel J. (Noel James), Pg. 201

2. It is a case of the petitioner that he is a father of the deceased. Furthermore, deceased and her husband died on 22.07.2020 at Lilavati Hospital, Mumbai during the pandemic of Corona-19. Petitioner amended his petition and introduced a Rider-I at the end of the para no. 4 of the existing petition. I have gone through the said contentions. It is stated by the petitioner that his daughter as well as son in law (husband of the deceased) died on the same date. However, there is concrete proof to ascertain exact time of both the deceased according to the rule of the Mohammedan law.

3. The petitioner has not produced death certificate of Firoz Afsar Ali. Furthermore, this is a fact and this fact has to be proved by cogent evidence. In such circumstances the petitioner has to take steps to prove the fact that both the deceased died together at the same time or time of their death cannot be ascertained due to reasons known to the petitioner. However, considering the place of the death of these two deceased, particularly in hospital, petitioner is able to find out medical papers or documents from which time of the death of these two deceased can be easily ascertained.

4. Furthermore, provisions which is relied by the Ld. Advocate at the page no. 56 (point no. 3) also reveals that if fact of the death, more particularly, chronology of the death is proved then chain of inheritance will be ascertained easily according to the rules of the Mohammedan law. Therefore, petitioner to prove this fact as stated in the said point. Hence, adjourned.

5. S. O. to 18.11.2024

24.10.2024

**Officer on Special Duty,
with Testamentary Department**