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

MISCELLANEOUS PETITION (L) NO. 17038 OF 2026

Khaiyuma Pasha .. Deceased

Mohammed Azmathulla .. Petitioner

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• Ms. Sujata Babar, Advocate for Petitioner.

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CORAM : MILIND N. JADHAV, J.

DATE : MAY 08, 2026

P.C.:

- 1.** Not on Board. Mentioned by way of filing praecipe dated 08.05.2026. 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 Khaiyuma Pasha. 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.** Consent affidavits dated 06.05.2026 of Mohammed Rahamathulla and Ummesalma F. Shaikh, the legal heirs are filed on



record and appended at page Nos.28 and 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' and 'b' which read thus:-

“(a) That Legal Heirship Certificate be issued Certifying that the Petitioner viz. MOHAMMED AZMATHULLA. his Brother viz. MOHAMMED RAHAMATHULLA and Sister Viz. UMMESALMA F. SHAIKH are the only Heirs and Legal Representatives of the Deceased under the provision of Bombay Regulation Act VIII of 1827;

(b) Delay of approx. 1 year and 11 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. It is clarified that the 3 week period shall start from the date of removal of office objections.

[MILIND N. JADHAV, J.]

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