

**BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 10th January'2024**

Sr. No. 3- TP 3 of 2024

(ECHCBM02191642023)

Mr. Prabhu Velar, Advocate for petitioner.

Called for direction

1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Succession Certificate in respect of certain **debts** belonging to the deceased viz. GANESH GOVINDSAMY alias Ganesh Govind Swami, who died at **Mumbai** on 11.12.2022. Copy of death certificate is annexed at Exhibit- A to the petition. Copy of the identification proof of the deceased is annexed at Exhibit - A1.

2. Advocate for petitioner submits that the said deceased ordinarily resided at 2, Babulal Pandey Chawl, Near Yoga Institute, Prabhat Colony, Santacruz, Mumbai, Maharashtra- 400055

3. Advocate for petitioner submits that the legal heirs left behind the deceased surviving as his only heirs next-of-kin according to **Hindu Succession Act, 1956** are mentioned in para no. 4 of the said petition.

4. Advocate for petitioner submits that the said deceased died intestate and that due and diligent search has been made for Will but none has been found.

5. Advocate for petitioner submits that the deceased died bachelor.

Advocate for the petitioner submits that parents of the deceased predeceased the deceased.

Advocate for the petitioner submits that the deceased left behind only one sister and no brother. Save and except mentioned hereinabove there are no other heirs and next of kin left by the deceased who is petitioner herein.

Advocate for petitioner submits that since the sister of the deceased is sole class I legal heir, the Administration Bond may be dispensed with. The request is accepted.

Pursuant to order dated 28.02.2023 passed by Hon'ble Shri Justice Arif S. Doctor, in Testamentary Petition No. 2556 of 2022 and Testamentary petition No. 2559 of 2022 directions were given to the Registry, in all matters for Letters of Administration and Succession Certificate, whenever there is sole legal heir, who is Class -I legal heir, Registry is directed to not to insist for filing/furnishing of Administration Bond. Hence, Administration Bond is not required for sole legal heir.

6. Advocate for petitioner submits that no application has been made to any District Court or District Delegate or to any High Court for Probate of any Will of the said deceased or for Letters of Administration will or without Will annexed to his property and credits or any petition for Succession Certificate.

7. In the aforesaid circumstances, I pass the following order:

ORDER

- a. Office to Issue General Notice within two weeks from the date of uploading of this order.
- b. Advocate for the petitioner to file Affidavit of Service of General Notice and also effect service upon non-consenting legal heirs, if any as per Rules 399 and 400 of the Bombay High Court Original Side Rules.
- c. Office to verify if any cross petition is filed, if cross petition is filed, then take steps to place before the Hon'ble Court under Rule 407 of High Court Original Side Rules.
- d. List the matter on 13.02.2024 for compliance.

ksa/rvr

**COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR**