

Ms. Jyoti Badgajar i/b. M/s. Lakdawala & Co.,
Advocate for petitioner.

P.C.:

Advocate for the petitioner submits that, since there is no identification proof of the deceased available they have filed Affidavit dated 30.10.2023 for dispensation of identification proof of the deceased. After, perusal of the same it is found that the petitioner has mention that they have taken due care and diligent search, but the said identification proof of the deceased is not vaialble with them. Hence, the petitioner request that they may be permitted to file the present petition without the identification proof of the deceased. The said request is accepted. Petition can proceed a head.

2. Advocate for the petitioner submits that, the said Deceased at the time of .her death was ordinarily residing at 117 / A-3, Madhuban, Road No. 24 (A), Sion (West), Mumbai - 400

- 2 -

[illegible]

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. The 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 with or without Will annexed to his property and credits or any petition for Succession Certificate.

6. 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 and also justify surety of non-consenting legal heirs and furnish Administration Bond within one week thereafter.

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- 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 13th February, 2024 for compliance.

10.01.2024

COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR