

CALLED FOR DIRECTION :

Ms. Sonam Thakur, Advocate for petitioner.

(ECHCBM021647
32023)

P.C.:

1. Perused the petition. Heard Ld. Advocate for petitioner. This petition is filed for Succession Certificate in respect of certain **Debts** belonging to deceased viz. Laxman Rao alias Laxman Raghuttam Rao who died at Mumbai on 02.082020. Copy of death certificate is annexed as Exhibit - 'A' to the petition. Copy of identification proof of the deceased is annexed as Exhibit - 'B' to the petition.
2. Advocate for the petitioner submits that, the said deceased ordinarily and permanently resided at Flat No. 401, Sri Kalpana Padma Tower, Plot No. 293, 5th road Chembur, greater Mumbai, Mumbai Suburban Maharashtra – 400071, and left property within the greater Mumbai and in the State of Maharashtra.
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.

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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 will or without Will annexed to his property and credits or any petition for Succession Certificate. Advocate for petitioner submits that, 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 2559 of 2022, directions was 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. 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.
- c. Office to verify if any cross petition is filed,

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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