

**BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 11th January'2024**

Sr. No. 15 - TP 178 of 2024

(ECHCBM02128622023)

None for the petitioner.

Called for direction

1. Perused Petition. This petition is for Succession Certificate in respect of certain **debts and securities** belonging to the deceased viz. Devshankar Mohanlal Pandya, who died at **Mumbai** on 13.03.1989. Copy of death certificate is annexed at Exhibit- A to the petition.

Advocate for petitioner submits that since identification proof of the deceased is not available they have filed Affidavit dated 11.08.2023 for dispensation of identification proof of the deceased. After perusal of the same it is found that the petitioner has mentioned that they had taken due care and diligent search, but the said identification proof of the deceased is not available 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. Copy of Affidavit of identification proof of the deceased is annexed as Exhibit "A1" to the petition.

2. Upon perusal of the petition the said deceased ordinarily resided at A- 404, Patil Heritage, Near Tambe Nagar, S. N. Road, Mulund West, Mumbai - 400080 and left property within Greater Bombay and in the State of Maharashtra

3. Upon looking to the schedule of Next-of-kin, it is noticed 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. Upon perusal of the petition, it is noticed that the said deceased died intestate and that due and diligent search has been made for Will but none has been found.

5. Upon perusal of the petition it is noticed that the Parents of the deceased predeceased the deceased. The wife of the deceased viz., Savitaben Devshankar Pandya died on 13th Day of February, 2019. The xerox copy of the death certificate of Wife of the deceased is annexed as Exhibit "B" to the petition. The deceased had no other son and no daughters. Save and except the legal heirs mentioned above there are no other legal heirs left by the said deceased.

Upon perusal of the petition it is noticed that the son of the deceased is the sole class I legal heir.

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. Upon perusal of the petition, it is noticed 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 after two weeks from the date of uploading of 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 14.02.2024 for compliance.

ksa/rvr

**COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR**