

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

**Sr. No. 21 - TP 193 of 2024
(ECHCBM02217812023)**

Mr. Y. C. Parikh, Advocate for the petitioner.

Called for direction

1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Succession Certificate in respect of certain **securities** belonging to the deceased viz. HIRALAL OCCHAVALA PARIKH HIRALAL alias OCHHAVLAL PARIKH alias H.O. PARIKH, who died at **Mumbai** on 22.04.1965. 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 30.10.2023 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. Advocate for petitioner submits that the said deceased ordinarily resided at Gokul Nivas, Bajaj Road, Vile Parle, Mumbai-400 058, and/or left property within Greater Bombay 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.

5. Advocate for petitioner submits that father and mother of the deceased predeceased the deceased. The wife of the deceased predeceased the deceased. The deceased had no other son and daughter. There are no other heirs of the deceased save and except mentioned in para no. 4 of the petition.

Advocate for the petitioner submits that since the son of the deceased is sole class I legal heir. The Administration Bond may be dispensed with. The said 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. Petition expedited.
- 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**