

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

Sr. No. 24 - TP 200 of 2023

(ECHCBM02160512023)

Mr. Suyash Kalbhor, Advocate i/b. B. G. Saraf for 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. Mohamedbhai Jivabhai Sunesara alias Mohamadbhai Jivabhai Sunesara alias Mohemadali Jiwa Sunesara alias Sunsara Mohamedbhai Jivabhai , Agakhani Muslim, who died at **Gujarat** on 16.07.2020. Copy of death certificate is annexed at Exhibit- A to the petition.

2. Advocate for petitioner submits that the said deceased ordinarily resided at Meloj, TA Sidhpur, Dist Patan, Gujarat, and also residing at A/103, New Ekta CHS , Behrambaug, S.V.Road, Jogeshwari West, Mumbai 400 102 and left property within Greater Mumbai 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 Mohammedan law, applicable to Muslims 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 he will clarify with respect to the claim which the petitioner is entitled in the petition as Mohammedan Law applicable to Muslims.

Advocate for the petitioner is permitted to carry out the correction into the petition in para no. 5 of the petition after observing the share of the petitioner in the present petition. Reverification is dispensed with.

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**