

BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE: 06th APRIL, 2024

CALLED FOR DIRECTION :

90	TP/1343/2024	)	Mr. Jyoti Badgujar i/b. M/s. Lakdawala and Co.,
		)	Advocate for petitioner.
		)	
(ECHCBM022123	)	<u>P.C.:</u>	1. Perused Petition. Heard Ld. Advocate for
92023)	)		petitioner. This petition is for Succession Certificate
	)		in respect of certain Securities belonging to the
	)		deceased viz. Parkar Mohamed Iqbal Kassam alias
	)		Mohamed Iqbal Kassam Parkar alias Parkar
	)		Mohamed I. Kassam alias Mohamed Iqbal Kassam
	)		alias Iqbal Kassam Parkar, who died at Australia on
	)		03.10.2020. Copy of death certificate is annexed at
	)		Exhibit- 'A' to the petition. Copy of Identification
	)		proof of deceased is already annexed at Exhibit- 'B'
	)		to the petition.
	)		
	)		2. Advocate for petitioner submits that the said
	)		Deceased at the time of his death was ordinarily
	)		residing at 8, Saffron Court, Riverton, Western
	)		6148 Australia and left property including
	)		Securities within Greater Bombay and in the State
	)		of Maharashtra and elsewhere in India.
	)		
	)		3. <i>"The Hon'ble Court (CORAM : Hon'ble Shri</i>
	)		<i>Manish Pitale J.) on 29th September, 2023 passed</i>
	)		<i>direction in TP No. 233 of 2022 in which the</i>
	)		<i>Hon'ble Court decided the issue of jurisdiction</i>
	)		<i>under Section 371 of Indian Succession Act and</i>
	)		<i>decided the jurisdiction of this Hon'ble Court. In</i>
	)		<i>view of the order dated 29th September, 2023, the</i>
	)		<i>present petition proceed further."</i>
	)		
	)		4. 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 Sunni Muslim are mentioned in para
	)		no. 4 of the said petition.
	)		
	)		 2
	)		

- 2 -

[illegible]

5. 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.

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.
- 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, 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 20.06.2024 for compliance.

06.04.2024

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**