

BEFORE : MRS. R.V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 6th April'2024.

Sr. No. 130 - 1663 of 2024

(ECHCBM02046212023)

Mr. Sachin Sarode, Advocate i/b. Krupa Parekh 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 Avinash Chander Kapur, who, died at **Connecticut-06001** on 04.07.2005. Copy of death certificate is annexed at Exhibit- A to the petition. copy Affidavit of identification proof of the deceased annexed at Exhibit- A to the petition.

Advocate for petitioner submits that identification proof of the deceased is not available. 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, Advocate for 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. Advocate for the petitioner is allowed to file and upload the Affidavit for dispensation of identification proof of the deceased on or before the next date. Reverification is dispensed with.

2. Advocate for the petitioner submits that the deceased ordinarily resided at residing at 19, old Farms Crossing, Avon, Connecticut-06002 and/or left property within Greater Bombay and in the State of Maharashtra and elsewhere in India.

Pursuant to the direction passed by the Hon'ble Court in TP No. 233 of 2022 the issue of jurisdiction under section 371 of the Indian Succession Act is decided. It is decided that, this Hon'ble Court is having Jurisdiction if, the Securities/Debts lies in the Jurisdiction of this Hon'ble Court. This Court is having jurisdiction to proceed with the matter. Since, the Hon'ble Court has decided the issue of the Jurisdiction petition can be proceeded.

3. Advocate for petitioner submits that the legal heirs left behind the deceased surviving as his only heirs next-of-kin according to Indian Succession Act, 1925 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 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.

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, 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 26.06.2024 for compliance.

**COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR**