

BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE: 15th June, 2024

CALLED FOR DIRECTION :

Sr. No. 48 - TP-2767-2024
(ECHCBM02213682024)

Mr. Deepak Sonkamble i/b. Mr. Ajit Hodage, Advocate for petitioner.

1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Succession Certificate in respect of certain Debts and Securities belonging to the deceased no. (1) viz. Chandrakala V Pangam alias Chandrakala Vithal Pangam alias Chandrakalavitha Pangam alias Chandrakala, who died at Mumbai on 04.01.2011. Copy of death certificate is annexed at Exhibit- 'A' to the petition.

And Deceased no. (2) viz. vithal Tukaram Pangam alias V. Pangam alias Vithal Pangam alias Vitthal, who died at Mumbai on 15.10.2004. Copy of death certificate is annexed at Exhibit- 'B' to the petition. Advocate for petitioner submits that since the identification proof of the both deceased are not available they have filed Affidavit dated 29.08.2023 for dispensation of identification proof of the both deceased. After perusal of the same it is found that the petitioner has mentioned that they had taken due case and diligent search but the said identification proof of the both 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 both deceased. The said request is accepted. Copy of Affidavit of dispensation of identification proof of the deceased is annexed to the petition.

2. Advocate for petitioner submits that both the said Deceased Persons ordinarily resided at 802, Amit Tower, Plot No. 119, Sector No. 1, Charkop, Kandivali West, Mumbai 400067, Maharashtra, India, and both left their properties within the Greater Mumbai and elsewhere in India.

3. Advocate for petitioner submits that the legal heirs left behind both the deceased surviving as their only heirs next-of-kin according to Hindu Succession Act, 1956 are mentioned in para no. 4 of the said petition.

“Pursuant to order dated 02.02.2024 passed by Hon’ble Shri Justice Manish Pitale, in Testamentary Petition No. 2918 of 2023, directions was given to the Registry in case of all the surviving legal heirs of the deceased are petitioners before the Court and the right or interest of no other legal heir is required to be protected, the department shall not insist on furnishing Administration Bond.” Hence, Administration Bond is dispensed with.

4. Advocate for petitioner submits that the both 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, 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 18th July, 2024 for compliance.

15.06.2024

Ajay

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**