

BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE: 26th July, 2024

CALLED FOR DIRECTION :

**Sr. No. 36, TP-3042-2024
(ECHCBM02217512023)**

Mr. D. Desai i/b. M/s. Mehta and Girdharlal, Advocates for petitioner.

1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Succession Certificate in respect of certain **Securities** belonging to the deceased viz. Sybil Beatrice Hughes alias Sibyl Beatrice Mitchell alias Sybil Hughes/Mitchell, who died at Dinapore, Bengal India, (it is now called Danapur and is in Bihar State) on 1939. 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 died not have a fixed place of residence, however at the time of her death she resided at Dinapore Bengal Indian now called Danapur and is in Bihar State. Deceased died in Dinapore, Bengal now called Danapur and is in Bihar however left property in Mumbai, State of Maharashtra and elsewhere in India.

“The Hon’ble Court (CORAM : Hon’ble Shri Manish Pitale J.) on 29th September, 2023 passed direction in TP No. 233 of 2022 in which the Hon’ble Court decided the issue of jurisdiction under Section 371 of Indian Succession Act and decided the Jurisdiction of this Hon’ble Court.” In view of the order dated 29th September, 2023, the present petition proceed further.

3. Advocate for petitioner submits that the legal heirs left behind the deceased surviving as her only heirs next-of-kin according to Indian Succession Act, 1925 are mentioned in para no. 4 of the said petition. Advocate for petitioner is directed to give details of legal heirs of the deceased in para no. 4 of the 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 02nd September, 2024 for compliance.

26.07.2024

Ajay

COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR

