

BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE: 05th September, 2024

CALLED FOR DIRECTION :

Sr. No. 31 - TP-3891-2024

Mr. V. K. Rajbhar a/w. Mr. Clifford Martis, Advocate for petitioner.

1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Succession Certificate in respect of certain **Joint Securities** belonging to the deceased no. (1) viz. Noshir Faramroze Colabavala alias Noshir Framroze Colabavala, who died at Thane on 24.03.2002. Copy of death certificate is annexed at Exhibit- 'A' to the petition. **Advocate for petitioner is directed to file identification proof of the deceased no. 1.**

Advocate for petitioner submits that Deceased No. 1 died at Wadekar Hospital, Dahanu Road, Thane and was having his permanent address at Empire Mahal, Flat No. C-28, Dadar T.T., Mumbai- 400014 and he left the property within Greater Mumbai in the State of Maharashtra and elsewhere in India.

2. Deceased no. (2) viz. Prochi Noshir Colabavala, who died at Mumbai on 12.03.2014. Copy of death certificate is annexed at Exhibit- 'B' to the petition. Copy of identification proof of the deceased no. 2 is annexed at Exhibit – 'B-1' to the petition.

Advocate for petitioner submits that the said Deceased No. 2 ordinarily residing at Shroff Building No. 4, 3rd Floor, Gamadia Colony, Tardeo, Mumbai-400007 and she left property within Greater Mumbai in the State of Maharashtra 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 Indian Succession Act, 1925 applicable to Parsi Zoroastrian are mentioned in para no. 6 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.
- 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 09th October, 2024 for compliance.

05.09.2024

COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR