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P.C.: 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. Khimji Hirji Nisar alias Khimjibhai Hirji Nisar, who died at Vadodara on 03.09.1998. Copy of death certificate is annexed at Exhibit- 'A' to the petition. Copy of Identification proof of deceased is already annexed at Exhibit- 'B-1' to the petition.

Deceased no. (2) viz. Laduben Khimji Nisa, who died at Vadodara on 07.07.2001. Copy of death certificate is annexed at Exhibit- 'B' to the petition. Copy of Identification proof of deceased is already annexed at Exhibit- 'B-2' to the petition.

2. Advocate for petitioner submits that both the both the deceased at the time of their death had fixed place of abode at Mumbai 6, Dhunbad, 23, Noshir Bharucha Marg, Near Grant Road Post Office, Tardeo, Mumbai, Grant Road, Mumbai - 400007. The both deceased after the old age were staying to their native place Gujarat.

3. Advocate for petitioner submits that the legal heirs left behind by both the deceased surviving as their only heirs next-of-kin according to Hindu Succession Act, 1956 are mentioned in para no. 5 of the said petition.

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4. Advocate for petitioner submits that both the 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 12.06.2024 for compliance.

06.04.2024

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**