

BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE: 06th APRIL, 2024

CALLED FOR DIRECTION :

27 TP/929/2024)

None present for parties.

(ECHCBM020197)
22024)

P.C.: 1. Perused the Petition. This petition is for Succession Certificate in respect of certain **Securities** belonging to the Deceased no. (1) viz. Manubhai Someshwar Desai alias Manubhai S. Desai alias M. S. Desai, who died at Mumbai on 12.12.2001. Copy of death certificate is annexed at Exhibit- 'A' to the petition.

Deceased no. (2) viz. Shardaben Manubhai Desai alias Sardaben M. Desai alias S. M. Desai, who died at Mumbai on 13.03.1995. Copy of death certificate is annexed at Exhibit- 'B' to the petition. As identification proof of both the deceased are not available, Advocate for Petitioner has filed Affidavit in support of I.D. proof of the deceased dated 23.01.2024 for providing documentary proof of the both the deceased, which is annexed at Exhibit 'A-1' to the petition.

2. Upon perusal of petition, it is noticed that both the said Deceased ordinarily resided at 706, Dharam Thakur Complex Borivali (West) Mumbai 400092 and at 306, Pushpa Nagar S. V. P. Road, Borivali (West) Mumbai 400092 Mumbai Suburban, Maharashtra, and/or left property within Greater Bombay and in the in the State of Maharashtra and elsewhere in INDIA.

3. Upon perusal of petition, it is noticed that the legal heirs left by both behind 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. Upon perusal of petition, it is noticed that the said deceased died intestate and that due and diligent search has been made for Will but none has been found.

5. Upon perusal of petition, it is noticed 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 with 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