

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

CALLED FOR DIRECTION :

46 TP/1013/2024) Mr. S. D. Parmar, Advocate for petitioner.
)
(ECHCBM02149) **P.C.:** 1. Perused Petition. Heard Ld. Advocate for
312023) petitioner. This petition is for Succession Certificate in
) respect of certain **debts and securities** belonging to the
) deceased no. (1) viz. Salvador Sebastian Fernandes,
) who died at Mumbai on 10.08.1989. Copy of death
) certificate is annexed at Exhibit- 'A' to the petition.
) Advocate for petitioner is directed to file Affidavit of
) dispensation of Identification Proof of the deceased
) No. (1).
)
) Deceased no. (2) viz. Maria Tereza Fernandes,
) who died at Mumbai on 18.10.2004. Copy of death
) certificate is annexed at Exhibit- 'B' to the petition.
) Copy of Identification proof of deceased no. 2 is
) already annexed at Exhibit- 'B-1' to the petition.
)
) And deceased no. (3) viz. Peter Francisco
) Fernandes, who died at Mumbai on 02.09.20229.
) Copy of death certificate is annexed at Exhibit- 'C' to
) the petition. Copy of Identification proof of deceased
) is already annexed at Exhibit- 'C-1' to the petition.
)
) 2. Advocate for petitioner submits that the said all
) three Deceased ordinarily resided at B-4, Sahajeevan
) Society, Opp. Aram Society, Vakola, Santacruz (East),
) Mumbai - 400055 and / or left properties within
) Greater Bombay and in the State of Maharashtra and
) elsewhere in India.
)
) 3. Advocate for petitioner submits that the legal
) heirs left behind by all the deceased surviving as their
) only heirs next-of-kin according to Indian Succession
) Act, 1925 are mentioned in para no. 6, 7 and 8 of the
) said petition.
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(ECHCBM02149)

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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 14.06.2024 for compliance.

06.04.2024

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**