

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

CALLED FOR DIRECTION :

84	TP/1279/2024	)	Mr. Kinjal Desai i/b. Ms. Dipti Shah, Advocate
		)	for petitioner.
		)	
	(ECHCBM020306	)	<u>PC.:</u> 1. Perused Petition. Heard Ld. Advocate for
	72024)	)	petitioner. This petition is for Succession
		)	Certificate in respect of certain Securities
		)	belonging to the deceased viz. Kodarbhai Patel
		)	alias Kodarbhai Madhobhai Patel alias
		)	Kodarbhai Madhubhai Patel, who died at
		)	Mumbai on 19.04.2000. 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, which is not as per Rules. Advocate
		)	for petitioner is directed to file Identification
		)	proof of the deceased.
		)	
		)	2. Advocate for petitioner submits that the
		)	said deceased ordinarily resided and having his
		)	abode at the time of his death at, 405, A-1,
		)	Tapovan Krishna Dham, Rani Sati Marg, Malad
		)	(East), Mumbai - 400097 and left property
		)	within the limits of Greater Mumbai and within
		)	the State of Maharashtra.
		)	
		)	3. Advocate for petitioner submits that the
		)	legal heirs left behind the deceased surviving as
		)	his only heirs next-of-kin according to Hindu
		)	Succession Act, 1956 are mentioned in para no.
		)	4 of the said 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.

84 TP/1279/2024
(ECHCBM020306
72024)

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 20.06.2024 for compliance.

06.04.2024

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**