

BEFORE : MRS. R.V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 6th April'2024.

Sr. No.107 - TP 1535 of 2024
(ECHCBM02014982024)

None for the petitioner.

Called for direction

1. Perused Petition. This petition is for Succession Certificate in respect of certain **securities** belonging to the deceased viz. Mahendra Chimanlal Shah, who died at Mumbai on **27.05.1998**. Copy of death certificate is annexed at Exhibit- A to the petition. Copy of Identification proof of deceased is already annexed at Exhibit-A1 to the petition.

2. Upon perusal of the petition it is noticed that the deceased ordinarily resided at 49, St. Xavier's School Road, Kesar Bhuvan 1st Floor Room No 26, Vile Parle West, Mumbai 400 056 but inadvertently, in the death certificate address is mentioned as 1st Floor, Keshav Bhavan, 49, Xavier Road, Vile Parle (West), Mumbai - 400056 and/or left assets within Greater Bombay and in the State of Maharashtra. But the correct address is 49, St. Xavier's School Road, Kesar Bhuvan 1st Floor Room No 26, Vile Parle West, Mumbai 400 056.

3. Upon looking to the schedule of Next-of-kin, it is noticed 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. Upon perusal of the 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 the 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 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 after two weeks from the date of uploading of 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 24.06.2024 for compliance.

**COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR**