

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

Sr. No. 110 - 1551 of 2024

(ECHCBM02227402023)

Mr. Anand Upadhyay, Advocate i/b. Chiyarajawala & Co. for petitioner.

Called for direction

1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Succession Certificate in respect of certain **securities** belonging to the deceased No. (1) viz. JANARDAN BALWANTRAO PANDIT, died at **Bhayandar, Dist. Thane** on 07.12.2020. Copy of death certificate is annexed at Exhibit- A to the petition. Copy of Identification proof of deceased is already annexed at Exhibit-A1-A2 to the petition. And deceased No. (2) viz. JAYANTI JANARDAN PANDIT died at **Bhayandar, Dist. Thane** on 16.05.2005. Copy of death certificate is annexed at Exhibit- B to the petition. Copy of Identification proof of deceased is already annexed at Exhibit-B1 to the petition.

2. Advocate for the petitioner submits that both the deceased ordinarily resided at Railway Colony, Santacruz (W), Mumbai and left property within Greater Bombay and in the State of Maharashtra.

Pursuant to order dated 28.02.2023 passed by Hon'ble Shri Justice Arif S. Doctor, in Testamentary Petition No. 2556 of 2022 and Testamentary petition No. 2559 of 2022 directions were given to the Registry, in all matters for Letters of Administration and Succession Certificate, whenever there is sole legal heir, who is Class -I legal heir, Registry is directed to not to insist for filing/furnishing of Administration Bond. Hence, as per direction of the Hon'ble Court filing of Administration Bond is dispensed with for the sole class I legal heir.

Pursuant to the direction passed by the Hon'ble Court in TP No. 233 of 2022 the issue of jurisdiction under section 371 of the Indian Succession Act is decided. It is decided that, this Hon'ble Court is having Jurisdiction if, the Securities/Debts lies in the Jurisdiction of this Hon'ble Court. This Court is having jurisdiction to proceed with the matter. Since, the Hon'ble Court has decided the issue of the Jurisdiction petition can be proceeded.

3. Advocate for petitioner submits that the legal heirs left behind the deceased surviving as their 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.

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.
- 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**