

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

Sr. No. 124 - 1639 of 2024
(ECHCBM02205782023))

Ms. Shriya Mehta, Advocate i/b. Akshay Pawar for the 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) Saremal P. Jain, died at **Mumbai** on 13.05.1997. Copy of death certificate is annexed at Exhibit- A to the petition. Copy of Affidavit of Identification proof of deceased dated 22.11.2023 is already annexed to the petition. 22.11.2023 at page no. 30 to 32. And deceased No. (2) Chetana S. Jain alias Chetna S. Jain, died at **Bhiwandi** on 22.08.1992. Copy of death certificate is annexed at Exhibit- B to the petition. Copy of Affidavit of Identification proof of deceased dated 22.11.2023 is already annexed to the petition. 22.11.2023 at page no. 30 to 32.

2. Advocate for the petitioner submits that the deceased No. (1) ordinarily resided at S/A-204, Indira Complex, 60 Feet Road, Bhayander West Thane and left properties in the Greater Mumbai and in the State of Maharashtra.

Advocate for the petitioner submits that the deceased No. (2) ordinarily resided at 15/B-12, Gopal Nagar, Bhiwandi Thane-421302 and left properties within Greater Mumbai and in the State of Maharashtra.

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 both 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 both 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 24.06.2024 for compliance.

**COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR**