

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

Sr. No. 140 - 1700 of 2024

(ECHCBM02053622024)

Mr.. Mangesh Kokare , Advocate i/b. Zaid Ansari & Associates
for the petitioner

Called for direction

1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Succession Certificate in respect of certain **debts and securities** belonging to the deceased viz. Mitalben Amitkumar Shah alias Mrs. Mittalben Amitkumar Shah alias Mrs. Mittal Amit Shah alias Mrs. Mittal A. Shah, who, died at **Mumbai** on or about 18.05.2005. Copy of death certificate is is annexed as Exhibit "A" to the petition. Copy of identification proof of the deceased annexed at Exhibit- "B" to the petition is not sufficient as per rule. Advocate for the petitioner to file affidavit.

2. Advocate for the petitioner submits that the deceased ordinarily resided at 209/B, Devi Sadan, Room No. 7, 1st Floor, Dr. Ambedkar Road, Matunga:-400019 and left property within Greater Mumbai and in the State of Maharashtra.

3. Advocate for petitioner submits that the legal heirs left behind the deceased surviving as her 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 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 26.06.2024 for compliance.

**COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR**