

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

Sr. No. 150 - 1773 of 2024

(ECHCBM02054552024)

Mr. S. P. Gupta, Advocate 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 viz. Madraswala Taher Abdul Husein alias Taher MuIIa Abdul Husain alias Taherbhai Madraswala alias Taherbhai Mulla Abdulhusain Madraswala alias Taher MuIIa Abdul Husein Madraswala alias Taher MuIIa Abdulhusein alias Taher M Abdul Husein alias Shri Taher MuIIa Abdulhusein alias Taherbhai Madraswalla, Shia muslim who died at Mumbai on 18.05.1980. Copy of death certificate is annexed as Exhibit "A" to the petition. Copy of identification proof of the deceased is annexed as exhibit A1 to the petition.

2. Advocate for the petitioner submits that the deceased ordinarily resided at Amin Building, II Floor, Sir Ebrahim Rahimatula Road, Mumbai, Maharashtra-400 003, and left property in Greater Mumbai and in the State of Maharashtra and elsewhere in India.

3. Advocate for petitioner submits that the legal heirs left behind the deceased surviving as his only heirs next-of-kin according to Mohamedan Law Applicable to Shia Muslim 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**