

**BEFORE : MRS. R. V. RANE**  
**COMPANY REGISTRAR /**  
**TESTAMENTARY REGISTRAR**  
**DATE: 03<sup>rd</sup> MAY, 2024**

**CALLED FOR DIRECTION :**

45 TP/2084/2024 )  
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(ECHCBM020587 )  
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72024)

Mr. Deepak Sonkamble i/b. Mr. Ajit S. Hodage,  
Advocate for petitioner.

**P.C.:** 1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Succession Certificate in respect of certain **Securities** belonging to the deceased viz. Himansu Sekhor Paul alias Late Sh H S Parul, who died at Calcutta, West Bengal on 11.03.1996. Copy of death certificate is annexed at Exhibit- 'A' to the petition. Identification proof of the both deceased are not available they have filed Affidavit dated 28.12.2023 for dispensation of identification proof of the deceased. After perusal of the same it is found that the petitioner has mentioned that they had taken due care and diligent search but the said identification proof of the both deceased are not available with them. Hence, the petitioner request that they may be permitted to file the present petition without the identification proof of the both deceased. The said request is accepted. Copy of Affidavit of dispensation of identification proof of the deceased is annexed to the petition.

2. Advocate for petitioner submits that the said deceased ordinarily resided at Flat No. 75/E, Saptaparni, 58/1, Bally Gunge Circular Road, Calcutta, West Bengal – 700019 and left his property within the Greater Mumbai.

3. *“The Hon’ble Court (CORAM : Hon’ble Shri Manish Pitale J.) on 29<sup>th</sup> September, 2023 passed direction in TP No. 233 of 2022 in which the Hon’ble Court decided the issue of jurisdiction under Section 371 of Indian Succession Act and decided the jurisdiction of this Hon’ble Court. In view of the order dated 29<sup>th</sup> September, 2023, the present petition proceed further.”*

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45 TP/2084/2024 )

(ECHCBM020587 )

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3. Advocate for petitioner submits 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. 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 03.07.2024 for compliance.

03.05.2024

**COMPANY REGISTRAR /  
TESTAMENTARY REGISTRAR**