

BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE: 15th June, 2024

CALLED FOR DIRECTION :

**Sr. No. 28 - TP-2661-2024
(ECHCBM02063632024)**

Ms. Jyoti Badgujar i/b. M/s. Lakdawala and Co., Advocate for petitioner.

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. Haridas Vithaldas Gandhi alias Haridas V. Gandhi alias Haribhai Vithaldas Gandhi alias Haridas Gandhi, who died at Pune on 21.05.1990. Copy of death certificate is annexed at Exhibit- 'A' and 'B' to the petition.

Deceased no. (2) viz. Tarabai Haridas Gandhi alias Tarabai H. Gandhi alias Tarabai Gandhi, who died at Pune on 18.06.2002. Copy of death certificate is annexed at Exhibit- 'C' to the petition.

And Deceased no. (3) viz. Shrikant Haridas Gandhi alias Shrikant H. Gandhi alias Shrikant Gandhi, who died at Pune on 24.02.2006. Copy of death certificate is annexed at Exhibit- 'E' to the petition. Copy of identification proof of deceased no. 3 is annexed at Exhibit- 'F' to the petition.

2. Advocate for petitioner submits that since the identification proof of the deceased no. (1) and (2) are not available they have filed Affidavit dated 11.01.2024 for dispensation of identification proof of the deceased no. (1) and (2). After perusal of the same it is found that the petitioner has mentioned that they had taken due case and diligent search but the said identification proof of the deceased no. 1 and 2 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 deceased. The said request is accepted. Copy of Affidavit of dispensation of identification proof of the deceased no. (1) and (2) is annexed at Exhibit – 'D' to the petition.

3. Advocate for petitioner submits that the the said Deceased at the time of their respective deaths were residing at A/G-2 D, Supashwanath Society, Market Yard Road, opp. Bank of Baroda, Pune, Maharashtra - 411037 and left property within Pune and in the State of Maharashtra. and elsewhere in India.

“The Hon’ble Court (CORAM : Hon’ble Shri Manish Pitale J.) on 29th 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 29th September, 2023, the present petition proceed further.”

4. Advocate for petitioner submits that the legal heirs left behind the deceased surviving as their only heirs next-of-kin according to Indian Succession Act, 1925 are mentioned in para no. 6 of the said petition.

“Pursuant to order dated 02.02.2024 passed by Hon’ble Shri Justice Manish Pitale, in Testamentary Petition No. 2918 of 2023, directions was given to the Registry in case of all the surviving legal heirs of the deceased are petitioners before the Court and the right or interest of no other legal heir is required to be protected, the department shall not insist on furnishing Administration Bond.” Hence, Administration Bond is dispensed with.

5. Advocate for petitioner submits that the deceased died intestate and that due and diligent search has been made for Will but none has been found.

6. 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.

7. 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 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 18th July, 2024 for compliance.

15.06.2024

Ajay

COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR