

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

**Sr. No. -50 - TP/2771/2024
(ECHCBM02074512024)**

Ms. Pushpa Thapa , Advocate for the petitioner.

Called for direction :

1. Perused the Petition. Heard Advocate for petitioner. Advocate for petitioner submits that the present petition is for Succession Certificate in respect of certain **debts and securities** belonging to the deceased No.(1) viz. Bhagwandas Damodardas Adhvaryu alias Bhagvanlal Damodar Adhvaryu alias Bhagvanlal Damodar Adhvarya alias Adhvaryu Bhagwandas Damoder alias Bhagvanlal Damoder Adhvaryu. who died at Mumbai on 11.01.1980 . Copy of death certificate is annexed at Exhibit -'A' to the petition. And deceased No.(2) viz. Sulochana Bhagwandas Adhvaryu alias Sulochana Bhagvanlal alias Sulochana Bhagvanlal Adhvaryu who died at Mumbai on 25.05.1988. Copy of death certificate is annexed at Exhibit -'B' to the petition.

Advocate for petitioner submits that since identification proof of both the deceased is not available petitioner had filed Affidavit dated 05.03.2024 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 search, but the said identification proof of the deceased is not available with them. Hence, the petitioner request that they may be permitted to file the present petition without the identification proof of both the deceased. The said request is accepted. Copy of Affidavit for dispensation of

identification proof of the deceased is annexed as Page No. 17 to 20 to the petition.

2. Advocate for petitioner submits that the said deceased ordinarily resided at 3 P, Prabha Kunj, Ground floor, 1st Carter Road, Borivali East, Mumbai, Maharashtra-400066 and/or left their property/securities/debts within Greater Bombay in State of Maharashtra.

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

4. Advocate for petitioner submits that the legal heirs left behind by both 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.

Pursuant to order dated 28.02.2023 passed by Hon'ble Shri Justice Arif S. Doctor, in Testamentary Petition No. 2556 of 2022 and Testamentary petition No. 2559 of 2022 directions were given to the Registry, in all matters for Letters of Administration and Succession Certificate, whenever there is sole legal heir, who is Class -I legal heir, Registry is directed to not to insist for filing/furnishing of Administration Bond. Hence, as per direction of the Hon'ble Court filing of Administration Bond is dispensed with for the sole class I legal heir.

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.
- 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 18.07.2024 for compliance.

ksa/rvr

**COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR**