

BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE: 26th July, 2024

CALLED FOR DIRECTION :

**Sr. No. 13 - TP-2936-2024
(ECHCBM02096282024)**

Mr. Sameer R. Logade, 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. Manilal Maganalal Dhruv, who died at Mumbai on 08.08.1989. Copy of death certificate is annexed at Exhibit- 'A' to the petition.

And Deceased no. (2) viz. Lalitaben Manilal Dhruv alias Lalitaben Dhruv, who died at Mumbai on 19.05.1990. Copy of death certificate is annexed at Exhibit- 'C' to the petition. Advocate for petitioner submits that since the identification proof of the both the deceased are not available they have filed two Affidavits dated 04.05.2024 and for dispensation of identification proof of the both 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 the 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 the deceased. The said request is accepted. Copies of Affidavits of dispensation of identification proof of the both the deceased are annexed at Exhibit – 'B' and Exhibit- 'D' to the petition respectively.

2. Advocate for petitioner submits that the both the deceased ordinarily resided at Malbar View No. 2, 5th Floor, Chowpaty, Bombay – 400007 and/or left certain Securities within the Greater Bombay and in the State of Maharashtra.

3. Advocate for petitioner submits that the legal heirs left behind both the deceased surviving as their only heirs next-of-kin according to Hindu Succession Act, 1956 are mentioned in para no. 5 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 2559 of 2022, directions was 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, Administration Bond is dispensed with.

4. Advocate for petitioner submits that the both 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.
- 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 28th August, 2024 for compliance.

26.07.2024

Ajay

COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR