

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

CALLED FOR DIRECTION :

Sr. No. 29, TP-3020-2024
(ECHCBM02058732024)

Mr. Suyash Kalbhor i/b. Mr. B. G. Saraf, Advocate for petitioner.

1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Succession Certificate in respect of certain **debts** belonging to the deceased viz. Raphel Richard Fernandes @ Raphael A. Fernandes @ R. A. Fernandes @ Raphael Abaldo Fernandes, who died at Mumbai on 28.01.1999. Copy of death certificate is annexed at Exhibit- 'A' to the petition. **Advocate for petitioner is directed to file identification proof of the deceased.**

2. Advocate for petitioner submits that the said deceased at the time of his death had a fixed place of abode at Room No.13, 1st floor, Lewis Building, Vakola Bridge, Santacruz (East) Mumbai - 400055 and left properties within Greater Mumbai in the State of Maharashtra.

“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.

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 02nd September, 2024 for compliance.

26.07.2024

Ajay

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**