

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

CALLED FOR DIRECTION :

Sr. No. 78, TP-3442-2024
(ECHCBM02085412024)

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. Roshan Pesotan Patel alais Roshan P. Patel alias R. P. Patel, who died at U.S.A. on 01.04.2020. Copy of death certificate is annexed at Exhibit- 'A' to the petition. Copy of identification proof of the deceased no. 1 is annexed at Exhibit – 'B' to the petition.

And Deceased no. (2) viz. Dhunjisha Fardunji Bhathena alias Dhunjisha F. Bhathena alias D. F. Bhathena, who died at Pune on 16.03.2011. Copy of death certificate is annexed at Exhibit- 'B' to the petition. Copy of identification proof of the deceased no. 2 is annexed at Exhibit – 'A-2' to the petition.

2. Advocate for petitioner submits that the deceased no. 1, at the time of his death ordinarily residing at 844, Blairmoor Court, Grosse Pointe, Woods, Michigan, 48236, U.S.A. and left property within Greater Mumbai.

Advocate for petitioner further submits that deceased no. 2 at the time of his death ordinarily residing at F No. 901/A-8, Ganga Satelite Wanowri Pune 411 040 and left property within Greater Mumbai.

“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.

3. Advocate for petitioner submits that the legal heirs left behind both the deceased surviving as their only heirs next-of-kin according to Indian Succession Act, 1925 are mentioned in para no. 7 and 8 of the said petition.
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 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 09th September, 2024 for compliance.

26.07.2024

Ajay

COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR