BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE: 05th September, 2024

CALLED FOR DIRECTION :

Sr. No. 1 – TP / 3492 / 2024

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 **Securities** belonging to the deceased no. (1) viz. Digambar Ganpat Borkar @ Digamber Ganpat Boarkar, who died at Mumbai on 01.12.2008. 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 – 'A-1' to the petition.

And Deceased no. (2) viz. Aparna Digambar Boarkar @ Aparna Digamber Borkar, who died at Mumbai on 07.08.1995. 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 the said deceased Nos . 1 and 2 were permanently residing at3/C, Saraswati Baug, Jogeshwari (East), Mumbai-400060. And also left movable properties 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. 4 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.

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6. ***"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.

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.

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 07th October, 2024 for compliance.

05.09.2024
Ajay

COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR