

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

CALLED FOR DIRECTION :

Sr. No. 13, TP-3749-2024

Mr. Deepak Sonkamble i/b. Mr. Ajit S. Hodage, 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 viz. Perin Minocher Gobhai alias Perin M. Gobhai alias P. M. Gobhai, who died at Mumbai on 02.06.1996. Copy of death certificate is annexed at Exhibit- 'A' to the petition. Advocate for petitioner submits that since the identification proof of the deceased is not available they have filed Affidavit dated 14.05.2024 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 due care and diligent 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 the deceased. The said request is accepted. Copy of Affidavit of dispensation of identification proof of the deceased is annexed to the petition.

2. Advocate for petitioner submits that the said deceased ordinarily resided at Flat No. 6, Block A, Darbhanga Mansion, Carmichael Road, Bombay – 400 026, and left her property within the Greater Mumbai.

3. Advocate for petitioner submits that the legal heirs left behind the deceased surviving as her only heirs next-of-kin according to Indian Succession Act, 1925, Applicable to Parsees 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 one Petition bearing TP No. 857 of 1997 was filed by Mehlli Minocher Gobhai (son of the Deceased) in this Hon'ble High Court for Succession Certificate in respect of certain securities held by the said the Deceased. However, he died without recovering the securities mentioned

therein at serial no.24 i.e. 720 shares of Voltas Limited, hence the Present Petition for recovering the said unrecovered securities. The Petitioner is also in the process of filing a Petition for succession certificate in respect of certain securities belonging to the said Deceased jointly with her son Mehlli Minocher Gobhai, however, securities mentioned therein do not form part of the present Petition. That no other application has been made to any District Court or District Delegate or to any High Court for Succession Certificate in respect of any debts or security belonging to the estate of the said deceased.

6. ***“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.

7. In the aforesaid circumstances, I pass the following order:

ORDER

- a. Advocate for petitioner is directed to takeout exemption of Court Fees Application as Court Fees not paid.
- b. Office to Issue General Notice within two weeks from the date of uploading of this order.
- c. 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.
- d. 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.
- e. List the matter on 30th September, 2024 for compliance.

05.09.2024

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**