

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

CALLED FOR DIRECTION :

Sr. No. 46, TP-3998-2024

Mr. Prabhu Velar, 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. Manharlal Chunilal Parmanand Dadia alias Manharlal Chunilal Dadia, who died at Sudan on 14.06.2020. Copy of death certificate is annexed at Exhibit- 'A' to the petition. Copy of Identification proof of deceased is already annexed at Exhibit- 'A-1' to the petition.

2. Advocate for petitioner submits that the said deceased at the time of his death had fixed place of abode at Alhara 4th, Althawra, Karary, Khartoum, Sudan and left property elsewhere in India.

“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 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.

“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.

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 for Succession Certificate viz. 2075 of 2023 was filed for the same deceased by the widow of the deceased who died before the transmission of shares in her name hence the present Petition other than the above Petition no other application has been made to any District Court or District Delegate or any High Court for Succession Certificate in respect of any Securities belonging to the estate of the deceased abovenamed. Hereto annexed and marked as Exhibit "D" is the copy of the Succession Certificate issued by this Hon'ble Court.

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 09th October, 2024 for compliance.

05.09.2024

Ajay

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**