

BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 5th September'2024.

Sr. No. - 71 TP/4128/2024
(ECHCBM02068012024)

Mr. V. K. Rajbhar, Advocate i/b. R. T. Kharwar for the
petitioner

Called for direction :

1. Perused the Petition. Heard Advocate for petitioner. Advocate for petitioner submits that the present petition is for Succession Certificate in respect of certain **securities** belonging to the deceased viz. Suresh Kantilal Shah, who died at Mumbai on 19.02.1997. Copy of death certificate is annexed at Exhibit -'A' to the petition.

Advocate for the petitioner is permitted to carry out averment in para no. 1 to the petition with respect to identification proof of the deceased and will annex the copy of the identification proof of the deceased to the petition. He will upload the corrected version and reverification is dispensed with. If the identification proof of the deceased is not available Advocate for the petitioner to file Affidavit for dispensation of identification proof of the deceased and carry out averment in para no.1 to the petition as well as annex the copy of the affidavit for dispensation of the identification proof of the deceased to the petition. He will upload the corrected version as well as affidavit for dispensation of identification proof of the deceased. Reverification is dispensed with.

2. Advocate for petitioner submits that the said deceased ordinarily resided at 273, Charni Road 6/3,

Aradhana Building, Mumbai- 400 016, and/or left property within Greater Mumbai in the State of Maharashtra.

3. Advocate for petitioner submits that, the said deceased died intestate and that due and diligent search has been made for the Will but none has been found.

4. Advocate for petitioner submits that the legal heirs left behind by 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.

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. 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 No. 2559 of 2022 directions were 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, as per direction of the Hon'ble Court filing of Administration Bond is dispensed with for the sole class I legal heir.

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 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 11.10.2024 for compliance.

ksa/rvr

**COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR**