

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

Sr. No.96 -TP/4325/2024
(ECHCBM02231392023)

None for the petitioner.

Called for direction

1. Perused Petition. This petition is for Succession Certificate in respect of certain **securities** belonging to the deceased viz. Abedin Sharafally Bhagat who died at **Mumbai** on 04.11.1977. Copy of death certificate is annexed at Exhibit- A to the petition. Copy of Identification proof of deceased is annexed at Exhibit-A1 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. Upon perusal of the petition it is noticed that the deceased ordinarily resided at Room No. 14, 141, Abdul Rehman Street, Mumbai 400003, and left property within Greater Bombay and in the State of Maharashtra.

3. Upon looking to the schedule of Next-of-kin, it is noticed that the legal heirs left behind both the deceased surviving as **his** only heirs next-of-kin according to Mohammedan Law are mentioned in para no. 4 of the said petition.

4. Upon perusal of the petition, it is noticed that the said deceased died intestate and that due and diligent search has been made for Will but none has been found.

5. Upon perusal of the petition, it is noticed 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 after two weeks from the date of uploading of 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.

**COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR**