

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

Sr. No. 13-TP/4354/2024

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 no. (1) viz. Sunder Bhagwandas Mirchandani who died at **Mumbai** on 29.01.2001. Copy of death certificate is annexed at Exhibit- A to the petition. And deceased no. (2) viz. VANDANA SUNDER MIRCHANDANI, who died at **Mumbai** on 26.02.2012. Copy of death certificate is annexed at Exhibit- B to the petition. Copy of the identification proof of the deceased is annexed as Exhibit "B-1" to the petition.

Advocate for petitioner submits that since identification proof of the deceased no. 1 is not available petitioner had filed Affidavit dated 8th August'2024 for dispensation of identification proof of the deceased no. 1. After perusal of the same it is found that the petitioner has mentioned that they had taken search, but the said identification proof of the deceased no. 1 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 no. 1. The said request is accepted. Copy of Affidavit for dispensation of identification proof of the deceased no. 1 is annexed as Exhibit "A-1" to the petition.

2. Upon perusal of the petition it is noticed that the deceased no.1 ordinarily resided at Anand Nagar, Santacruz (E), Mumbai - 400 055 and/or left property within Mumbai, in the State of Maharashtra and throughout territory of India.

Upon perusal of the petition it is noticed that the deceased no.2 ordinarily resided at D/14, Self Help, CHS Ltd., St. Francis Road, Vile Parle (W), Mumbai - 400 56 and/or left property within Mumbai 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 their only heirs next-of-kin according to Hindu Succession Act, 1956 are mentioned in para no. 4 of the said petition.

4. Upon perusal of the petition, it is noticed that both 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.

Advocate for the petitioner submits that “pursuant to the order dated 2.2.2024 passed by the Hon’ble Shri Justice Manish Pitale, in Testamentary Petition No. 2918 of 2023, direction 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”.

- 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 11.11.2024 for compliance.

**COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR**