

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

Sr. No. 17 -TP/4388/2024
(ECHCBM02151692024)

Mr. Deepak Sonkamble, Advocate i/b. Ajit Hodage 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. Sarfaraz Ali Khan alias Sarafarzali Khan alias Sarfaraz Ali Mushtaq Ali Khan alias Mr. Sarfaraz Khan, sunni muslim, who died at **Mumbai** on 08.02.1987. Copy of death certificate is annexed at Exhibit- A to the petition.

Advocate for petitioner submits that since identification proof of the deceased is not available petitioner had filed Affidavit dated 31.05.2024 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 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 for dispensation of identification proof of the deceased is annexed as page no. 18 to 19 to the petition.

2. Advocate for the petitioner submits that the deceased ordinarily resided at 99, Gafoor Manzil, Byculla, St. Road 400 011 and left his properties within the Greater Mumbai and elsewhere in India.

3. Advocate for the petitioner submits that the legal heirs left behind both the deceased surviving as **his** only heirs next-of-kin according to Mohammedan Law of Succession as applicable to the Muslims are mentioned in para no. 4 of the said petition.

4. Advocate for the 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 the 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. 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.

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.

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**