

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

Sr. No. 19-TP/4390/2024

(AMH20230011720C202400002)

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 no. (1) viz. Divyaprabha Rasiklal Shah alias Divyaprabha R. Shah who died at **Mumbai** on 20.08.2010. 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. And deceased no. (2) viz. Rasik Lal Shah alias Rasiklal Nathalal Shah alias

2. Advocate for the petitioner submits that the deceased no. 1 ordinarily resided at 9th floor, building no. 8, Sarvodaya Society, Shastri Nagar, Goregaon (West), Mumbai – 400014, Maharashtra. And Deceased No. 2 ordinarily resided at 582 Ramnagar Society, Third Road, Khar West, Mumbai – 400052, Maharashtra left property within the Greater Mumbai, State of Maharashtra.

3. Advocate for the petitioner submits that 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. Advocate for the petitioner submits that both 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 is directed to carry out correction with respect to marital status in cause title. Advocate for the petitioner will replace the word “widow” from marital status of deceased no. 1 and correct the marital status with respect to deceased no. 1 as “widower” He will upload the corrected version of the petition. Reverification is dispensed with.

6. 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.

7. 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 11.11.2024 for compliance.

**COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR**