

BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE: 17th October, 2024

CALLED FOR DIRECTION :

Sr. No. 20 - TP-4909-2024

Mr. Annie M. Sebastian i/b. Mr. Johnson John, Advocate for petitioner.

1 Perused the Petition. Heard Ld. Advocate for petitioner. In this matter, requisitions raised are as under :

- a) To mention in Cause Title the petition is for 'Debts' or 'Securities'.
- b) Mention the marital status and Occupation of the all three deceased in cause title of the petition.
- c) Correct the Prayer.
- d) Mention the date on Petition, Affidavit for dispensation of ID proof of the deceased and in the petitioners oath.

2. Advocate for petitioner to carry out the said corrections within two weeks from the date of uploading of this order and upload the corrected version of the petition. Re-verification dispensed with.

3. This petition is for Succession Certificate in respect of certain **Securities** belonging to the three deceased. Deceased no. (1) viz. Sailas Anchan, who died at Mumbai on 28.06.2002. Copy of death certificate is annexed at Exhibit- 'A-1' to the petition.

Deceased no. (2) viz. Sarojini Anchan, who died at Mumbai on 18.12.2007. Copy of death certificate is annexed at Exhibit- 'B' to the petition. And Deceased no. (3) viz. Oswald Samuel Anchal alias Oswald Sam Anchan, who died at Mumbai on 04.07.2015. Copy of death certificate is annexed at Exhibit- 'A-3' to the petition.

Advocate for petitioner submits that since the identification proof of the said deceased are not available they have filed Affidavit for dispensation of identification proof of the said deceased. After perusal of the same it is found that the petitioner has mentioned that they had taken due care and diligent search but the said identification proof of the deceased are not available with them. Hence, the petitioner request that they may be permitted to file the present petition without the identification proof of the said deceased. The said request is accepted. Copy of Affidavit of dispensation of identification proof of the said deceased is annexed at Exhibit - 'B' to the petition.

4. Advocate for petitioner submits that the all three deceased at the time of their death had a fixed place of abode at T5 Sea Beach View, Kadeshwari Marg, Bandra West, Mumbai 400 050.
5. Advocate for petitioner submits 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. 5 of the said petition.
6. Advocate for petitioner submits that the both deceased died intestate and that due and diligent search has been made for Will but none has been found.
7. Advocate for petitioner submits that the petitioner had filed a petition number 41 of 2016 for Letters of Administration to the property and credits of Oswald Samuel Anchal alias Oswald Sam Anchan and the Hon'ble Court had granted the Letters of Administration on 04.05.2018.
8. 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.
“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 2559 of 2022, directions was 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, 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. Office to list the matter after the compliance of this order.
- e. S. O. to 27.11.2024.

17.10.2024
Ajay

COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR