

BEFORE : MRS. R.V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 14th November'2024.

Sr. No. 18-TP/5089/2024
(ECHCBM02099692024)
None for the petitioner.

Called for direction

1. Perused Petition. This petition is for Succession Certificate in respect of certain **debts** belonging to the deceased No. (1) viz. Zaverben Khimji Haria who died at **Mumbai** on 23rd day of December, 2016. 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. Rajesh Khimji Haria, who died at **Mumbai** on 24th day of October, 2018. Copy of death certificate is annexed at Exhibit- A to the petition. Copy of Identification proof of deceased is annexed at Exhibit-B1 to the petition

2. Upon perusal of the petition it is noticed that both the deceased ordinarily resided at 32/2229, Abhyudaya Nagar Nutan CHS Ltd., Veer Shrikant Keshav Hadkar Marg, Kalachowki, Mumbai- 400033 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 by 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. 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.

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.
- 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 06.01.2025 for compliance.

**COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR**