

BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 18th December'2024.

Sr. No. - 20-TP/5457/2024
(AMH20240009498C202400004)

Ms. Anushka Shetty, Advocate for the petitioner.

Called for direction :

1. Perused the Petition. Heard Advocate for petitioner. Advocate for petitioner submits that the present petition is for Succession Certificate in respect of certain **securities** belonging to the deceased no. (1) viz. Balendra Kantilal Clerk nee Dr. Balendra Kantilala Clerk nee Mr. Balendrabhai Klark, who died at Gujarat on 23.09.1998. Copy of death certificate is annexed at Exhibit -'A' to the petition. Copy of the identification proof of the deceased is annexed at Exhibit "A1" to the petition. And deceased no. (2) viz. Mrs. Shanta Kantilal Clerk nee Mrs. Shantaben Kantilal Clerk nee Mrs. Shantaben Klark who died at Gujarat on 18.02.2002. Copy of death certificate is annexed at Exhibit -'B' to the petition. Copy of the identification proof of the deceased is annexed at Exhibit "B1" to the petition.

2. Advocate for petitioner submits that both the said deceased ordinarily resided at Mandvi Pole, Khambhat, Anand, Gujrat-388 620 and left securities in form of assets within Greater Mumbai in the State of Maharashtra and elsewhere in India.

Pursuant to the direction passed by the Hon'ble Court in TP No. 233 of 2022 the issue of jurisdiction under section 371 of the Indian Succession Act is decided. It is decided that, this Hon'ble Court is having Jurisdiction if, the Securities/Debts lies in the Jurisdiction of this Hon'ble Court. This Court is having jurisdiction to proceed with the matter. Since, the Hon'ble Court has decided the issue of the Jurisdiction petition can be proceeded.

3. Advocate for petitioner submits that both the said deceased died intestate and that due and diligent search has been made for the Will but none has been found.
4. Advocate for petitioner submits 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.
5. Advocate for 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 within four 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 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 03.02.2025 for compliance.

ksa/rvr

**COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR**