

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

Sr. No. 36-TP/5520/2024
(AMH20230019430C202400001)

None 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. Shirin Dinshaw Irani who died at **USA** on 07.03.2013. 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 21.08.2024 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. 11 to 14 to the petition.

2. Upon perusal of the petition it is noticed that the deceased ordinarily resided at 1584 San Juan Drive, Brea, CA 92821 USA and /or left property within Greater Bombay in the State of Maharashtra.

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. Upon looking to the schedule of Next-of-kin, it is noticed that the legal heirs left behind by the deceased surviving as **her** only heirs next-of-kin according to Indian Succession Act, 1925 are mentioned in para no. 4 of the said petition.

4. Upon perusal of the petition, it is noticed that 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. In the aforesaid circumstances, I pass the following order:

ORDER

a. Office to Issue General Notice after four 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 03.02.2025 for compliance.

**COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR**