

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

**Sr. No. - 43-TP/5597/2024
(AMH20230037634C202400021)**

GAIKWAD MADHURI VIJAY, 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. BALKRISHNA HARI JOGLEKAR who died at Mumbai on 06.07.1994. Copy of death certificate is annexed at Exhibit -'A' to the petition.

And deceased no. (2) viz. ARUN HARI JOGLEKAR who died at Mumbai on 14.07.1996. Copy of death certificate is annexed at Exhibit -'B' to the petition.

And deceased no. (3) viz. SHASHIKALA BALKRISHNA JOGLKAR who died at Mumbai on 26.12.2019. Copy of death certificate is annexed at Exhibit -'C' to the petition.

Advocate for petitioner submits that since identification proof of the deceased no. 1,2 and 3 is not available petitioner had filed Affidavit dated 29.10.2024 for dispensation of identification proof of the deceased no.1, 2 and 3. 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 no.1,2 and 3 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 no.1,2 and 3. The said request is accepted. Copy of Affidavit for dispensation of identification proof of the deceased is annexed as page no. 16 to 19 to the petition.

2. Advocate for petitioner submits that the said deceased No. 1, 2 and 3 ordinarily resided at 2, B-29, Borivali Satyasheel Co-operative Housing Society Ltd. 2.4 Floor, Eksar Road, Near SEA College of Architecture, CKP Colony Bus Stop, Borivali (W), Mumbai- 400091 and left Property within Mumbai and the State of Maharashtra.

3. Advocate for petitioner submits that, the said deceased no.1,2 and 3 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 the deceased no. 1, 2 and 3 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. 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.

7. 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.
- 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 05.02.2025 for compliance.

ksa/rvr

**COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR**