

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

**Sr. No. - 45-TP/5606/2024
(ECHCBM02153342024)**

Mr. Pravin Kadam, 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. Homai Dosabhai Jila who died at Kolkatta on 22.05.1999. Copy of death certificate is annexed at Exhibit -'A' to the petition. And deceased no. (2) Khorshed Bomi Davar alias Khorshed Bom Davar who died at Mumbai on 13.02.2014. Copy of death certificate is annexed at Exhibit 'B' to the petition. Copy of the identification proof of deceased no. 2 is annexed as Exhibit "B2" to the petition.

Advocate for petitioner submits that since identification proof of the deceased no. 1 is not available petitioner had filed Affidavit dated 25.07.2024 for dispensation of identification proof of the deceased no. 1. 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 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. The said request is accepted. Copy of Affidavit for dispensation of identification proof of the deceased no. 1 is annexed as Exhibit B1 to the petition.

2. Advocate for petitioner submits that the said deceased no. 1 ordinarily resided at Selvel House, 10/1B, Diamond Harbour Road, Ps Alipore, Calcutta- 700 027.

Advocate for petitioner submits that the said deceased no. 2 ordinarily resided at Flat No. 2, C.D Sethna Building, Parel Village, Mumbai -400 012 and both left property within Greater Mumbai and in the State of Maharashtra and elsewhere in India.

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 **Indian Succession Act, 1925** are mentioned in para no. 4 of the said petition.

Advocate for the petitioner is directed to carry out correction in para no. 6 of the petition with respect to the Act i.e. **“Indian Succession Act, 1925” instead of “Indian Succession Act, 1956”**. Advocate for the petitioner will upload the corrected version and will get it approved. Reverification is dispensed with.

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 05.02.2025 for compliance.

ksa/rvr

**COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR**