

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

Sr. No. - 49-TP/5674/2024
(AMH20240128739C202400007)

ANAND LAXMIDHAR TIWARI, 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. Nomanbhai Mohamadali Bhimdiwala @ Photowala alias Noman Mohamedali Bhimdiwala, who died at Mumbai on 30.04.1995. Copy of death certificate is annexed at Exhibit -'A' to the petition. And deceased no. (2) viz. Rukaiyabai Nomanbhai Bhimdiwala @ Photowala alias Rukaiya Noman Bhimdiwala who died at Mumbai on 29.04.1995. Copy of death certificate is annexed at Exhibit -'B' to the petition.

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

2. Advocate for petitioner submits that both the said deceased ordinarily resided at Flat No.10, 2nd Floor, East and West Court Building, Colaba Causeway, S.B. Road, Apollo

Bandar, Colaba, Mumbai-400001 and both the deceased 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 Mahomedan Law applicable to Shia (Dawoodi Bohra) Muslim 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 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 within four weeks from the date of uploading of this order.