

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

Sr. No. - 52-TP/5705/2024
(AMH20230015636C202400003)

CESAR PEREIRA, 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 viz. (1) Chandraprabha Shroff alias Rekha Jayantilal Shah, who died at Mumbai on 14.05.1997. Copy of death certificate is annexed at Exhibit -'A' to the petition. Copy of the identification proof of the deceased is annexed at Exhibit "B" to the petition. And deceased viz. (2) Hemangini Shroff alias Hemaben Harshadbhai Palejwala who died at Mumbai on 11.03.2007. Copy of death certificate is annexed at Exhibit -'C' to the petition. Copy of the identification proof of the deceased is annexed at Exhibit "D" to the petition.

2. Advocate for petitioner submits that the said deceased no. 1 ordinarily resided at 5/B2 Wood Lands, 67 Peddar Road, Murnbai – 4000026 and deceased no. 2 ordinarily resided at A-Wing, Piramal Nagar, 49, S.V. Road, Goregaon (West), Murnbai - 400090 and 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 to carry out correction in para no. 5 of the petition with respect to the Act of the petition as “Indian Succession Act, 1925” instead of “Indian Succession Act”. He will upload the corrected version and he 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.