

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

Sr. No. - 59-TP/5741/2024

(AMH20240129184C202400007)

Mr. S.P Gupta, 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. Jashwantraai Gokaldas Shah alias Jashvantraai Gokaldas Shah, who died at Gujarat on 06.06.2011. Copy of death certificate is annexed at Exhibit -'A' to the petition.

Advocate for the petitioner is directed to carry out averment in para no. 1 of the petition with respect to identification proof of the deceased. If the identification proof of the deceased is not available, Advocate for the petitioner is directed to file affidavit for dispensation of identification proof of the deceased. He will upload the corrected version of the petition and he will get it approved. Reverification is dispensed with.

2. Advocate for petitioner submits that the said deceased ordinarily resided at at 14, Prema Kutir Society, Lane No-2, BIH, Sharthi Hotel, Vastrapur, Ahmedabad Gujarat, and left property in Greater Mumbai and 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. Advocate for petitioner submits that, 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 the deceased surviving as **his** 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. Advocate for the petitioner submits that "pursuant to the order dated 2.2.2024 passed by the Hon'ble Shri Justice Manish Pitale, in Testamentary Petition No. 2918 of 2023, direction was given to the Registry in case of all the surviving legal heirs of the deceased are petitioners before the Court and the right or interest of no other legal heir is required to be protected, the department shall not insist on furnishing Administration Bond. Hence, Administration Bond is dispensed with".

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**