

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

**Sr. No. - 60-TP/5787/2024
(ECHCBM02082692024)**

R T Kharwar, 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. Gunvanti Govindji Dawda, who died at Mumbai on 29.03.2005. Copy of death certificate is annexed at Exhibit -'A' to the petition. And

Deceased no. (2) Govindji J. Dawda alias Govindji Jamnadas Dawda who died at Mumbai on 03.04.2012. Copy of death certificate is annexed at Exhibit -'A1' to the petition.

Deceased no. (3) Nayna Govindji Dawda, alias Nayna Govindji Thakar who died at Mumbai on 14.02.2016. Copy of death certificate is annexed at Exhibit -'A2' 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 21st October' 2023 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 and 2 ordinarily resided at A-S501, Kamlesh Mansion, Dixit Road, Vile Parle (Eats), Mumbai-400057 and deceased no. 3 ordinarily resided at Shradhanand Road, 601, Makaria House, Vile Parle (East), Mumbai-400057, and/or left property within Greater Mumbai in the State of Maharashtra.

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 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. 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**