

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

Sr. No. 63-TP/5790/2024
(ECHCBM02196892023)
None for the petitioner.

Called for direction

1. Perused Petition. This petition is for Succession Certificate in respect of certain **securities** belonging to the deceased viz. Julian D'souza s/o Joseph D'souza who died at **Mumbai** on 06.05.2010. Copy of death certificate is annexed at Exhibit- A to the petition.

Advocate for petitioner submits that since identification proof of the deceased is not available petitioner had filed Affidavit dated 13.06.2024 for dispensation of identification proof of the deceased. 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 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. The said request is accepted. Copy of Affidavit for dispensation of identification proof of the deceased is annexed as page no. 13 to 17 to the petition.

2. Upon perusal of the petition it is noticed that the deceased ordinarily resided at Philomena Cottage, Plot No. 335, 16th Road, Bandra (West), Mumbai 400 050 and left property within Greater Mumbai and in the State of Maharashtra and elsewhere in India.

3. Upon looking to the schedule of Next-of-kin, it is noticed that the legal heirs left behind by the deceased surviving as **his**

only heirs next-of-kin according to Indian Succession Act, 1925 are mentioned in para no. 4 of the said petition.

4. Upon perusal of the petition, it is noticed that the said deceased died intestate and that due and diligent search has been made for Will but none has been found.

5. Upon perusal of the petition, it is noticed 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 with 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 after four weeks from the date of uploading of 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.

**COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR**