

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

Sr. No. 65-TP/5818/2024
(AMH20230011720C202400019)

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 no. (1) viz. Vithaldas Jassabhai Pithva alias Vithaldas Jassabhai Pithva alias Vithaldas Pithwa who died at **Mumbai** on 12.12.1979. Copy of death certificate is annexed at Exhibit- A to the petition. And deceased no. (2) viz. Bhart Bhai Jagjivandas Pithva alias Bharatkumar Jagjivan Pithva who died at Virar on 29.04.2014. Copy of death certificate is annexed at Exhibit- B to the petition.

Since identification proof of the deceased is not available the Advocate for the petitioner had filed Affidavit dated 05.06.2024 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. Advocate for the petitioner is permitted to file the present petition without the identification proof of the deceased. Copy of Affidavit for dispensation of identification proof of the deceased is annexed as page no. 24 to 25 to the petition.

2. Upon perusal of the petition it is noticed that the deceased no. 1 ordinarily resided at 5/108, 5th floor, Harharvala Bldg, S.V.P. Road, Golpitha, Mumbai 400004, Maharashtra, India and deceased no. 2 ordinarily resided at Krushna Vihar, B/104, 1st floor, Near Shakti Complex, Virat Nagar, Virar and both left their properties within the Greater Mumbai, Maharashtra.

3. Upon looking to the schedule of Next-of-kin, it is noticed that the legal heirs left behind by both the deceased surviving as their only heirs next-of-kin according to Hindu Succession Act, 1956 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 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 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**