

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

Sr. No.67-TP/5820/2024
(AMH20230035394C202400002)
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. Vaidya Padmakar Shankarrao who died at **Mumbai** on 10.05.1997. Copy of death certificate is annexed at Exhibit- A to the petition.

Since identification proof of the deceased is not available the Advocate for the petitioner had filed Affidavit dated 09.08.2024 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. 51 to 56 to the petition.

2. Upon perusal of the petition it is noticed that the deceased ordinarily resided at B-1, Natraj Society, Sodawala Lane, Borivali (West), Mumbai., and/or left property within Greater Bombay and in the state of Maharashtra.

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 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. 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 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.
- 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**