

**BEFORE : MRS. R. V. RANE ,
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
Date: 24th February, 2025**

FIRST ON BOARD (FOB) :

2 TP/3616/2024 (E-filing)

Mr. R. L. Gonsalves, Advocate for petitioner

PC : 1. Perused Petition. Heard Ld. Advocate for petitioner. Ld. Advocate for petitioner submits that pursuant to order dated 30.01.2025 passed by the Hon'ble Court (Coram : Arif S. Doctor, J.) consent Affidavit of Sayed Amer Shah Kadri is filed on 16.01.2025 and the same is approved by the Registry, as the same was not filed earlier. Ld. Advocate for petitioner submits that he has corrected para No. 4 of the petition in compliance of order dated 15.02.2025.

2. It is to be noted that as per the provisions of Rule 421 of the Bombay High Court (Original Side) Rules, 1980, which reads as under :

421. Administration Bond in the case of Succession Certificate - In all cases of succession certificate, the person to whom the grant is made shall give a bond in Form No.120 with one surety and the bond shall, unless the Judge in Chambers otherwise directs, be given for the gross value of the estate. Such bond shall be prepared in the registry.

Advocate for petitioner has to file the Administration Bond in all the cases inspite of all the legal heirs have given their consents for issuance of Succession Certificate in favour of the petitioner and the order which was referred by the Advocate was the order for issuance of General Notice as the same was passed in all the petitions which are listed for issuance of citation / First Notice. As per Rule 421 of the Bombay High Court (Original Side) Rules, 1980, in all the petitions, Advocate for petitioner has to furnish the Administration Bond except as per the directions passed by the Hon'ble Court as under :

.....2

– 2 –

“Pursuant to order dated 28.02.2023 passed by Hon’ble Shri Justice Arif S. Doctor, in Testamentary Petition No. 2556 of 2022 and Testamentary petition No. 2559 of 2022 directions were given to the Registry, in all matters for Letters of Administration and Succession Certificate, whenever there is sole legal heir, who is Class -I legal heir, Registry is directed to not to insist for filing/furnishing of Administration Bond. Hence, as per direction of the Hon’ble Court filing of Administration Bond is dispensed with for the sole class I legal heir”.

AND

“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”.

3. Office to verify the consent Affidavit of Sayed Amer Shah Kadri which was filed on 16.02.2025 and approve the same on the official portal of the Bombay High Court as per rules.
4. Ld. Advocate for petitioner submits that he will seek instructions from the petitioner and he request for four weeks time. The said request is accepted and four weeks time is granted.
5. List the matter on 24.03.2025.

24.02.2025

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**