

BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE: 04th January, 2025

CALLED FOR DIRECTION :

Sr. No. 12 - TP-6047-2024
AMH20240130479C202400001

Mr. D. R. Mishra i/b./ M/s. Pandya and Poonawala, Advocate for petitioner.

1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Succession Certificate in respect of certain **Securities** belonging to the deceased no. (1) viz. Zarina H. Daginawala a.k.a. Zarina Daginawalla a.k.a. Zarina Hasan Daginawalla, who died at Mumbai on 29.02.2012. Copy of death certificate is annexed at Exhibit- 'A' to the petition. Copy of identification proof of the deceased no. 1 is annexed at Exhibit – 'C' to the petition.

And Deceased no. (2) viz. Hasan Kurban Husain Daginawala a.k.a. Hasan Daginawalla a.k.a. Hasan Daginawalla a.k.a. Hasan Kurbanhusain Daginawalla, who died at Mumbai on 19.12.2015. Copy of death certificate is annexed at Exhibit- 'B' to the petition. Copy of identification proof of the deceased no. 2 is annexed at Exhibit – 'D' to the petition. **Advocate for petitioner is directed to mention the place of death of the both deceased in para no. 1 of the petition.**

2. Advocate for petitioner submits that the both the deceased were ordinarily residing at the time of their death at 73, Sarang Street, 2nd floor, Room No. 28, Mumbai – 400 003 and 73, Sarang Street, 1st Floor, Room No. 2, Mumbai – 400 003, Maharashtra, respectively and/or had left property in the State of Maharashtra.

3. Advocate for petitioner submits that the legal heirs left behind by both the deceased surviving as their only heirs next-of-kin according to Mohammedan Law, applicable to Dawoodi Bohra Shia Muslims, are mentioned in para no. 5 of the said petition.

4. Advocate for petitioner submits that the both deceased died intestate and that due and diligent search has been made for Will but none has been found.
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. *“Pursuant to order dated 02.02.2024 passed by Hon’ble Shri Justice Manish Pitale, in Testamentary Petition No. 2918 of 2023, directions 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 within two 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.
- 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 24th February, 2025 for compliance.

04.01.2025
Ajay

COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR