

BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE: 10th FEBRUARY, 2025

CALLED FOR DIRECTION :

Sr. No. 4 – TP-628-2025 (E-filed)

Mr. Manish Shroff, 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. Kanta U. Vajifdar alias Kanta Umedrai Vajifdar alias Kanta Umesh Vajifdar alias Kanta V. Vajifdar alias Kantaben Vajifdar alias Kanta Umesh Vajifdarimbar alias Kanta Umed Vajifdar alias Kanta U. Vajifoar, who died at Mumbai on 30.03.2022. 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 – 'B' to the petition.

And Deceased no. (2) viz. Jagannath Vajifdar alias U. J. Vajifdar alias Umedbhai Vajifdar alias Umedbhai J. Vajifdar, who died at Mumbai on 28.09.1998. Copy of death certificate is annexed at Exhibit- 'A-1' to the petition. Copy of identification proof of the deceased no. 2 is annexed at Exhibit – 'B-1' to the petition. **Advocate for petitioner is directed to mention marital status of the both deceased in cause title of the petition.**

2. Advocate for petitioner submits that the said deceased No.1 & 2 at the time of death had a fixed place of abode at 4 Tibrewala House, 33 Swastik Society, III N.S. Road, NPD Scheme, Vile Parle-West, Mumbai-400056, and left property within Greater Bombay and in the State of Maharashtra and elsewhere in India.

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 Indian Succession Act, 1925 are mentioned in para no. 4 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 28.02.2023 passed by Hon'ble Shri Justice Arif S. Doctor, in Testamentary Petition No. 2556 of 2022 and Testamentary Petition 2559 of 2022, directions was 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, 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 18.03.2025 for compliance.

10.02.2025

Ajay

COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR