

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

CALLED FOR DIRECTION :

Sr. No. 16, TP-697-2025 (E-filed)

Mr. Ajit Hodage, 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. Malek Sultan Virani alias Maleksultan Tajdin Virani alias Malek Sultan, who died at Hyderabad, Telangana on 04.12.2016. 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 – 'A-1' to the petition.

And Deceased no. (2) viz. Daulat Khanu V. Virani alias Dolatkhanu Velji Virani, who died at Mumbai on 24.12.2006. Copy of death certificate is annexed at Exhibit- 'B' to the petition. Advocate for petitioner submits that since the identification proof of the deceased no. 2 is not available they have filed Affidavit dated 03.10.2024 for dispensation of identification proof of the deceased no. 2. After perusal of the same it is found that the petitioner has mentioned that they had taken due care and diligent search but the said identification proof of the deceased no. 2 is not available with them. Hence, the petitioner request that they may be permitted to file the present petition without the identification proof of the deceased no. 2. The said request is accepted. Copy of Affidavit of dispensation of identification proof of the deceased no. 2 is annexed at page no. 17 to 24 to the petition.

2. Advocate for petitioner submits that the said Deceased No.1 ordinarily resided at 301, Mahogany, Amrutha Valley, Road No.12, Banjara Hills, Hyderabad, Telangana - 500034, and left her properties within the Greater Mumbai and in the State of Maharashtra. And that the said Deceased No.2 ordinarily resided at 1003, Panchvati Appartments, Shree Panchvati Co-op. Housing Society Ltd., Yari Road, Mumbai - 400061, and left her properties within the Greater Mumbai and 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 Hindu Succession Act, 1956 as applicable to Khoja Muslims 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 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 18.03.2025 for compliance.

10.02.2025

Ajay

COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR