

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

**INTERIM APPLICATION NO. 1018 OF 2019
IN
TESTAMENTARY PETITION NO. 2698 OF 2018**

Kumar Rajagopal ... Applicant/Petitioner

And

R. Rajagopal and Saroja Rajagopal ... Deceased

Mr. Vinay M. Bhate i/b P.S. Legal for the Applicant/Petitioner.

CORAM : R.I. CHAGLA, J.

DATED : 14th OCTOBER, 2021.

P.C. :

1 Heard the learned Counsel for the Applicant. By this Interim Application, the Applicant is seeking dispensation of the objection dated 24.11.2019 raised by the office of the Prothonotary and Senior Master and for the office to grant the succession certificate for all the securities mentioned in the schedule of the Petition.

2 The learned Counsel for the Applicant has stated that an office objection had been raised with regard to the securities standing in the single name of the deceased Saroja Rajagopal w/o deceased Shri R.

Rajagopal. Further objection has also been raised as to the inclusion of debts and securities mentioned in the schedule of assets which are standing in the single name of the said deceased. The Prothonotary and Senior Master had directed the Applicant to amend the Petition by deleting the said debts and securities from the schedule to the Petition on the ground that the same standing in single name and hence cannot form part in the present Petition.

3 The learned Counsel for the Applicant has referred to paragraph 3 of the Interim Application wherein it is mentioned that the securities in respect of which the succession certificate is required are of the value of Rs.38,66,057/- and these securities were purchased from the income of Shri R. Rajagopal, including the shares of HDFC Bank Limited which were though purchased by Mr. R. Rajagopal in the name of Mrs. Saroja Rajagopal. It is thus submitted that the Applicant has included these debts and securities in the schedule annexed the Petition and marked Exhibit-C.

4 The learned Counsel for the Applicant has submitted that the other heirs namely a) Mrs. Latha Shivaraman (married) and (b) Mrs. R. Kanchana (unmarried) have issued their unconditional consent for grant of succession certificate as prayed for. It is accordingly submitted that the

objection taken by the Prothonotary and Senior Master be dispensed with.

5 I have considered the averments in the Interim Application and in particular what has been stated in paragraph Nos.3, 4 and 5 of the Interim Application. The particulars of the debts and securities mentioned in paragraph 3 have been stated in paragraph 4 to be created by the Applicants' father Mr. R. Rajagopal included debts and securities standing in the single name of Mrs. Saroja Rajagopal w/o late R. Rajagopal who was a housewife. In view of these averments, the relief of dispensation of the office objection raised by the Prothonotary and Senior Master as to their inclusion requires to be dispensed with.

6 The Succession certificate in respect of certain debts and securities belonging to the deceased Mr. R. Rajagopal and deceased Mrs. Saroja Rajagopal and mentioned in the schedule of the Petition also requires to be granted. Hence, the following order :

- i) The objection taken by the Prothonotary and Senior Master to the inclusion of the securities mentioned in the schedule of assets standing in the single name of the said respective deceased and for deletion of the securities in the schedule in the Petition, is dispensed with.

ii) The succession certificate is granted to the Applicant for all the securities mentioned in the schedule to the Petition.

iii) The Interim Application is disposed of.

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(R.I. CHAGLA, J.)