BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 19th April'2024.

Sr. No. 9 - TP 306 of 2024

Mr. Hamid Ansari, Advocate i/b. Akhlaque M. S. Solkar for the petitioner

Called for direction

Advocate for the petitioner submits that he may be permitted to carry out correction in para no. 4 were the share of the legal heirs mentioned below in relation with the deceased. Advocate for the petitioner also request permission to add para no. 5(a) with respect to the share of the petitioner being wife of the deceased and reverification may be dispensed. The said request is allowed. Advocate for the petitioner is allowed to carry out the necessary correction in para 4 and to add para no. 5(a) forthwith. Reverification is dispensed. Now the petition can be proceeded.

1. Perused the Petition. Heard Advocate for petitioner. Advocate for petitioner submits that the present petition is for Succession Certificate in respect of certain **Securities** belonging to the deceased viz. Abdul Latif Sawkar alias Abdul Lateef, sunni muslim who died at Mecca Saudi Arabia on 17.03.2000 . Copy of death certificate is annexed at Exhibit -'A' to the petition. Copy of the identification

proof of the deceased is annexed at Exhibit "A1" to the petition.

2. Advocate for petitioner submits that the said deceased ordinarily resided at B 606, Jasmine Apartment, 65/B, Dockyard Road, Mazgaon, Mumbai 400 010 and left property within Greater Bombay and in the State of Maharashtra.

3. Advocate for petitioner submits that, the said deceased died intestate and that due and diligent search has been made for the Will but none has been found.

4. Advocate for petitioner submits that the legal heirs left behind by the deceased surviving as **his** only heirs next-of-kin according to Muslim Personal laws applicable to Sunni Muslims are mentioned in para no. 4 of the said petition.

5. Advocate for the petitioner submits that the parents of the deceased predeceased the deceased.

Advocate for petitioner submits that the deceased left behind him widow, one son and two daughters viz. Fatima Latif Sawkar (widow of the deceased/petitioner herein), Asaf Mohammed Sawkar (son of the deceased), Mehnaz Adbul Latif Sawkar (daughter of the deceased) and Masira Abdul Latif Sawkar (daughter of the deceased). Save and

except there are no other legal heirs and next of kind left by the deceased, which is mentioned at para no. 4 of the petition.

Advocate for petitioner submits that Asaf Mohammed Sawkar , Mehnaz Adbul Latif Sawkar and Masira Abdul Latif Sawkar had given their **consent for issuance of succession certificate in favour** of Fatima Latif Sawkar.. The consent affidavits are annexed as **page no. 11 to 16.**

6. Advocate for Petitioner submits that being the **widow** of deceased claims to be entitled for **1/8th** share in the estate left by the deceased.

7. Advocate for petitioner submits that, there is no impediment under Section 370 of the Indian Succession Act, 1925 or under any other provision of this Act or any other enactment to the grant of the certificate of the validity thereof if it was granted.

8. 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 with or without the Will for annexed to their property and credits.

9. Advocate for petitioner submits that no application has been made to any District Court for Succession Certificate in respect of any debt or security belonging to the estate of the deceased.

10. Advocate for the petitioner submits that there is delay of filing this petition be condoned as the concerned authorities asked for legal representation to transfer the property in favour of the Legal heirs. In view thereof, delay is condoned.

11. Advocate for the petitioner submits that the General Notice was issued on **07.02.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **15.04.2024** for proving General Notice filed through e-filing and Administration Bond dated **18.04.2024** also filed through e-filing. The original Administration Bond and Affidavit of service is taken on record.

12. This petition is filed for grant of Succession Certificate in respect to the **securities** which was mentioned in Schedule-1 which is annexed to the petition. The petitioner has complied all the necessary compliance for grant of the Succession Certificate in favor of the petitioner. Hence, facts stated by petitioner, on oath, remained unchallenged and required to be accepted. Accordingly, petition deserves to be

allowed, as prayed for. Hence, following order :

ORDER

1) Petition is allowed and the Succession Certificate be granted to the petitioner for certain **securities** left by the deceased and shown in the schedule, in prescribed format.

2) Before issuance of the grant, the office to verify whether any cross Petition is pending or Affidavit resisting the petition is filed.

3) The petitioner to file an account as undertaken in the Administration Bond within stipulated period. Necessary endorsement be made on the Administration Bond, subject to satisfaction of the Department.

COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR

ksa/rvr