

**BEFORE : MRS. R.V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 18th July'2024**

Sr. No. – 22 – TP 2399 of 2024

Mr. Udayan Surve, Advocate for the petitioner.

Called for Compliance

1. Perused the Petition. Heard Advocate for petitioner. Advocate for petitioner submits that the present petition is for Succession Certificate in respect of certain **debts** belonging to the deceased viz. Rajani Raguel Rahator who died at Mumbai on 25.05.2021. 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 605, 6th floor, Prathamesh CHSL, Near Sharda Cinema, Dadar (East), Mumbai – 400014 and/or 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 **her** only heirs

next-of-kin according to **Indian Succession Act, 1925** 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. The deceased died spinster. The brother of the deceased viz. Suneel Raguel Rahator died on 21.01.2020. Copy of the death certificate is annexed as Exhibit "B" to the petition.

Advocate for petitioner submits that the deceased left behind her niece viz. Snehal Suneel Rahator (niece of the deceased/daughter of deceased brother/petitioner herein). 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.

6. Advocate for Petitioner submits that being the **only niece** of deceased claims to be entitled for **full** share in the estate left by the deceased.

It has been observed that the advocate for the petitioner in para no 5 of the petition mentioned the share of the petitioner as $\frac{1}{2}$ share in the estate of the deceased instead of full share.

Advocate for the petitioner submits that he may be permitted to carry out correction in para no. 5 with respect to the share of the petitioner in the estate of the deceased. He request that reverification may be dispensed with. The said request is accepted. Advocate for the petitioner is allowed to carry out correction in para no. 5 with respect

to share of the petitioner in the estate of the deceased forthwith . Reverification is dispensed with.

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 **03.05.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **14.06.2024** for proving General Notice filed through

e-filing and Administration Bond dated **06.07.2024** also filed through e-filing. The Administration Bond and Affidavit of Service is taken on record.

12. This petition is filed for grant of Succession Certificate in respect to the **debts** 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 **debts** 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.

Office to issue grant as soon as the advocate for the petitioner carry out correction in para no. 5 of the petition.

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**