

BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 16th February'2024.

Sr. No. 36 – TP 3 of 2024

(ECHCBM02191642023)

Mr. Manoj Mane, Advocate i/b. Prabhu Velar for petitioner
Called for direction

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. GANESH GOVINDSAMY alias Ganesh Govind Swami, who died at Mumbai on 11.12.2022. Copy of death certificate is annexed at Exhibit-A to the petition. Copy of Identification proof of deceased is annexed at Exhibit-A1 to the petition.
2. Advocate for petitioner submits that the said deceased ordinarily resided at 2, Babulal Pandey Chawl, Near Yoga Institute, Prabhat Colony, Santacruz, Mumbai, Maharashtra 400055.
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 **Hindu Succession Act, 1956** are mentioned in para no. 4 of the said petition.

5. Advocate for the petitioner submits that the deceased died as Bachelor.

Advocate for the petitioner submits that the mother of the deceased i.e. Vasanta Govind Swami, pre-deceased the deceased on 14th of January 2012. Copy of the death certificate is annexed as Exhibit "B" to the petition.

Advocate for the petitioner submits that the father of the deceased viz. GOVINDASAMY, pre-deceased the deceased on 11th June 2022. Copy of the death certificate is annexed as Exhibit "C" to the petition.

Advocate for petitioner submits that the deceased left behind him only one sister viz. Chitra Rupesh Shinde (sister 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.

6. Advocate for Petitioner submits that the Petitioner being the sister claims to be entitled to full share in the estate of 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 an y 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 **10.01.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **25.01.2024** for proving General Notice through e-filing.

It has been observed that since the sister of the deceased is class II legal heir, the Administration Bond cannot be dispensed with. Hence, para no. 5 in order dated 10.1.2024 stands deleted i.e. :-

“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 No. 2559 of 2022 directions were 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 not required for sole legal heir”.

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) **Petitioner is directed to submit Administration Bond within two weeks from the date of uploading the order.** 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.
- 4) **Office to issue grant after the Administration Bond is filed by the petitioner.**

COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR