

**BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE: 20th FEBRUARY, 2024**

CALLED FOR DIRECTION :

**Sr. No. 23 – TP / 11 / 2024
(ECHCBM02211032023)**

Ms. Jyoti Badgujar i/b. Mr. S. U. Lakdawala, Advocate for petitioner.

1. Perused the Petition. Heard Ld. Advocate for petitioner. Advocate for petitioner submits that the present petition is for Succession Certificate in respect of certain **Debts and Securities** belonging to deceased viz. Farhad Gustad Mavji alias Farhad G. Mavji alias Farhad Mavji, who died at Mumbai on 24.02.2003. Copy of death certificate is annexed at Exhibit- 'A' to the petition. Copy of Identification proof of deceased is annexed at Exhibit- 'B' to the petition.

2. Advocate for petitioner submits that, the said Deceased at the time of his death was ordinarily residing at M2- 11, Merwanjee Cama Park, opp. Andheri Station, Andheri (West), Mumbai – 400 058 and left property within Greater Bombay, in the State of Maharashtra and elsewhere in India

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 the deceased surviving as his only heirs next-of-kin according to Indian Succession Act, 1925, Section 42 Parsi Zoroastrian are mentioned in para no. 4 of the said petition.

5. Advocate for petitioner submits that deceased died as bachelor. Mother of deceased viz. Nergish Gustad Mavji died on 17.04.2021 and death certificate is annexed at Exhibit- C to the petition. Advocate for petitioner deceased left behind him Gustad Noshirwan Mavji (father of the deceased), who is petitioner herein. There are no other legal heirs, save and except mentioned at para no. 4 of the petition.

6. Advocate for petitioner submits that petitioner is 85 years old, hence expedite the grant. The said requests is accepted. Office to issue Succession Certificate expeditiously.

7. Advocate for petitioner submits that the petitioner being the father of the deceased claims for full share in the estate left by the deceased.

8. 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.

9. 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.

10. 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.

11. Advocate for the petitioner submits that the General Notice was issued on **10.01.2024** in the aforesaid matter. Advocate for the petitioner has filed Affidavit of Service dated **29.01.2024** for proving General Notice through e-filing. Advocate for petitioner tendered original Affidavit of service, which is kept in record and proceeding.

“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 2559 of 2022, directions was 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.

13. This petition is filed for grant of Succession Certificate in respect to the **Debts and 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 **Debts and 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) Office to issue Succession Certificate Expeditiously.

20.02.2024

Ajay Mishra

COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR