

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

CALLED FOR DIRECTION :

**Sr. No. 26 – TP / 34 / 2024
(ECHCBM02184022023)**

Mr. Siddharth Desai i/b. Mr. Kevin Gala, Advocate for petitioner.

1. Perused the petition. Heard Ld. Advocate for petitioner. This petition is filed for Succession Certificate in respect of certain **Debts** belonging to deceased viz. Mahmood Shahabuddin Parkar alias Mehmood Shahabuddin Parkar, who died at Kuwait on 25.05.2020. Copy of death certificate is annexed as Exhibit - 'A' to the petition. Copy of identification proof of the deceased is annexed as Exhibit - 'B' to the petition.

2. Advocate for the petitioner submits that, the said deceased was temporarily residing at Kuwait at the time of his death and had a fixed place of abode at Room No. 33, 2nd Floor, Bhojabai Trust Building, 76/80, Jail Road, Near Dipak Beer Bar, Dongri, Chinchbunder, Mumbai-400 009 and has 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 the deceased surviving as his only heirs next-of-kin according to the Mohammedan Act, 1937 are mentioned in para no. 4 of the said petition.
5. Advocate for petitioner submits that parents and grand-parents of the deceased predeceased the deceased. Deceased left behind his Sagira Mahmood Parkar (widow of the deceased) and Sameera Nadim Pote (married daughter of the deceased). Advocate for petitioner submits that save and except the heir mentioned hereinabove there are no other legal heirs or next-of-kin left by the deceased.
6. Advocate for petitioner submits that Sameera Nadim Pote (married daughter of the deceased) had given her consent for issuance of Succession Certificate in favour of the petitioner viz. Sagira Mahmood Parkar (widow of the deceased). Consent Affidavit is annexed at page no. 16-18 to the petition.
7. Advocate for petitioner submits that petitioner as widow of the deceased claims to be entitled to 1/8th share of the estate of the deceased.
8. Advocate for petitioner submits that the petitioner is the Mother of deceased claims to be entitled for an entire share in the estate left by the deceased.
9. 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.

10. 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.

11. 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.

12. Advocate for the petitioner submits that the delay in making the Petition is that Petitioner was not aware of obtaining any legal representation in respect of the particulars described in Schedule No. I to the Petition and recently the Petitioner was advised to obtain legal representation in respect of estate of the deceased from the Competent Court of Law. Hence, the delay for the same may be condoned in the interest of justice and equity. In view thereof, delay is condoned.

13. 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 **25.01.2024** for proving General Notice through e-filing and Administration Bond dated **18.01.2024** also filed through e-filing. Advocate for petitioner tendered original Affidavit of service and Administration Bond, which are kept in record and proceeding.

14. 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 **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.

20.02.2024

Ajay Mishra

COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR