

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

CALLED FOR DIRECTION :

Sr. No. 27 – TP / 40 / 2024
(ECHCBM02204452023)

Mr. Siddharth Desai i/b. Ms. Ankita Digesh Gala, 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. Mohan Lakhmichand Keswani, who died at Thane on 02.04.2021. 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 had a fixed place of abode at Bungalow No.6, Angel care Elder Home, Devdarshan CHS, Dongripada, Thane- 400 615 and was also having address at Flat No. 13, Kilbil Society, S. N Road, Near Bank of India, Mulund West, Mumbai 400080 and he 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 Hindu Succession Act, 1956 are mentioned in para no. 4 of the said petition.
5. Advocate for petitioner submits that parents of the deceased predeceased the deceased. Wife of the deceased viz. Bharti Mohan Keswani died on 08.01.2022, death certificate is annexed at Exhibit – C to the petition. Deceased do not have any daughter and left behind him only two sons viz. Manojkumar Mohan Keswani and Ravi Mohan Keswani respectively. Save and except the heirs and next-of-kin mentioned at para no. 4 of the petition there are no other heirs of the deceased.
6. Advocate for petitioner submits that son of the deceased viz. Manojkumar Mohan Keswani had given his consent for issuance of Succession Certificate in favour of the petitioner viz. Ravi Mohan Keswani (son of the deceased). Consent Affidavit is annexed at page no. 18-21 to the petition.
7. Advocate for petitioner submits that the petitioner as one of the son of the deceased claims to be entitled to 50% share of his estate.
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 **25.01.2024** for proving General Notice through e-filing. Advocate for petitioner submits that the lodging date is wrongly mentioned in the Administration Bond. **Advocate for petitioner undertakes to furnish Administration Bond as per form no. 120. Office will proceed with grant as soon as Advocate for petitioner furnish Administration Bond.**

12. 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) 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) Advocate for petitioner undertakes to furnish Administration Bond as per form no. 120. Office will proceed with grant as soon as Advocate for petitioner furnish Administration Bond.

20.02.2024

Ajay Mishra

COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR