

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

CALLED FOR DIRECTION :

**Sr. No. 30 – TP / 69 / 2024
(ECHCBM02107942023)**

Ms. Riddhi Shah, Advocate for petitioner.

1. Perused the petition. Heard Ld. Advocate for petitioner. This petition is filed for Succession Certificate in respect of certain **Debts and Securities** belonging to deceased No. (1) viz. Mahesh Navnitlal Talati, who died at Mumbai on 31.05.2020. Copy of death certificate is annexed as Exhibit - 'A' to the petition. Copy of identification proof of the deceased is annexed as Exhibit - 'A1' to the petition.

Deceased No. (2) viz. Rupa Mahesh Talati, who died at Mumbai on 26.04.2021. Copy of death certificate is annexed as Exhibit - 'B' to the petition. Copy of identification proof of the deceased is annexed as Exhibit - 'B1' to the petition.

2. Advocate for the petitioner submits that, the said both the deceased ordinarily resided at Flat No.4, Hari Niwas CHS Ltd., Kasturba Road No.4, Borivali East Mumbai-400066 and left properties in the State of Maharashtra and elsewhere in India.

3. Advocate for petitioner submits that, the both 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 both deceased surviving as them 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 both deceased were husband and wife. Parents of deceased no. 1 predeceased the deceased. Both deceased left behind them Viren Mahesh Talati (son of the deceased / petitioner no. 1) and Sweta Sachin Maniar (daughter of the deceased / petitioner no. 2). Save and except the heir mentioned at para no. 4 of the petition there are no other legal heirs or next-of-kin left by both the deceased.
6. Advocate for petitioner submits that the petitioners as the son and daughter respectively of the both the deceased, claims to be entitled to 1/2nd share each of their estate.
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 the General Notice was issued on **10.01.2024** in the aforesaid matter. Advocate for the petitioner has filed Affidavit of Service dated **31.01.2024** for proving General Notice through e-filing and Administration Bond

dated **11.01.2024** also filed through e-filing. Advocate for petitioner tendered original Affidavit of service and Administration Bond, which are kept in record and proceeding.

11. 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.

20.02.2024

Ajay Mishra

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**