

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

CALLED FOR DIRECTION :

**Sr. No. 31 – TP / 72 / 2024
(ECHCBM02179152023)**

Mr. Ravindra Gupta i/b. Ms. Khushi Trushal Bhadracha, 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. Mukund Vishnu Mehendale, who died at Mumbai on 16.01.2022. 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.

2. Advocate for the petitioner submits that, the said deceased ordinarily resided at A-1/304, Vijay Nagar Society, Swami Nityanand Road, Andheri (East), Mumbai- 400069 and/or left property within Greater Mumbai 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. Deceased left behind his widow, one son and one daughter viz. Bhagyashri Mukund Mehendale, Devashree Mukund Mehendale and Rahul Mukund Mehendale respectively. Save and except mentioned hereinabove there are no other heirs and next of kin left by the deceased.

6. Advocate for petitioner submits that widow of the deceased viz. Bhagyashri Mukund Mehendale had given her consent for issuance of Succession Certificate in favour of the both sons/ petitioners viz. Devashree Mukund Mehendale and Rahul Mukund Mehendale. Consent Affidavit is annexed at page no. 19-22 to the petition.

7. Advocate for petitioner submits that the petitioners both being daughter and son of the deceased, claims to be entitled to 1/3rd share each of the estate of 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 submits that Affidavit of Service dated **08.02.2024** is filed by Office of the Deputy Sheriff, Bombay online.

12 It has been found that, in the Affidavit of Service wrongly mentioned as Letters of Administration, Advocate for petitioner submits that this is typographical error and he requested that this mistake be condoned. The said requests is accepted.

Advocate for petitioner has tendered across the bar the Administration Bond which was not as per form no. 120 hence, Advocate for petitioner to furnish new Administration Bond within two days from today.

13. 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.
- 4) Advocate for petitioner undertakes to furnish new Administration Bond as per form no. 120, thereafter, Office to proceed with the grant.

20.02.2024

Ajay Mishra

COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR