

**BEFORE : MRS. R.V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 3rd April'2024.**

Sr. No. 22 – TP 106 of 2024
(ECHCBM02182142023)

Mr. Prashant Mairale, Advocate i/b. Kanchan Talreja for the petitioner.

Called for direction

Advocate for the petitioner submits that the Rima Kamal Sachdev and Jawahar Sushil Kumar Malhotra were served through eneral notice and affidavit of proving general notice dated 16.2.2024 filed through bailiff of office of Deputy Sheriff of Mumbai. Advocate for the petitioner submits that the notice was served upon both the non-consenting legal heirs viz. Rima Kamal Sachdev and Jawahar Sushil Kumar Malhotra on 3.2.2024. Advocate for the petitioner submits that as per the procedure of the High Court Original Side Rules till date both the non-consenting legal heirs had not filed any objection/caveat opposing the present petition for issuance of succession certificate in favour of the petitioner. Advocate for the petitioner submits that hence the grant may be issued in favour of the petitioner viz. Anita Anilkumar Seth. After perusal of the affidavit of service I can proceed with grant.

1. Perused the Petition. Heard Advocate for petitioner. Advocate for petitioner submits that the present petition is for Succession Certificate in respect of certain **Securities** belonging

to the deceased viz. Vijay Lakshmi Sushil Kumar Malhotra, who died at Mumbai on **05.08.2022**. Copy of death certificate is annexed at Exhibit -'A' to the petition. Copy of the identification proof of the deceased is annexed at Exhibit "A1" to the petition.

2. Advocate for petitioner submits that the said deceased ordinarily resided at **Flat No.1101/1102, Jivan Satya Co-Op. Society, 15th Road, Bandra (West), Mumbai- 400 050 and/or left Securities 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 by the deceased surviving as **her** only heirs next-of-kin according to **Hindu Succession Act, 1956** are mentioned in para no. 4 of the said petition.

5. Advocate for the petitioner submits that the **husband of the deceased predeceased the deceased**. Copy of the death certificate is annexed as Exhibit "B" to the petition.

Advocate for petitioner submits that the deceased left behind her two daughters and one son viz. Anita Anilkumar Seth (married daughter of the deceased/petitioner herein), Rima Kamal Sachdev (married daughter of the deceased) and Jawahar Sushil Kumar Malhotra (son of the deceased). **Save and except there are no other legal heirs and next of kind left**

by the deceased, which is mentioned at para no. 4 of the petition.

6. Advocate for Petitioner submits that being the married daughter of deceased claims to be entitled for **1/3rd** share in the estate left by the deceased.

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 there is delay of filing this petition be condoned as the concerned authorities asked for legal representation to transfer the property in favour of the Legal heirs. In view thereof, delay is condoned.

11. Advocate for the petitioner submits that the General Notice was issued on **11.01.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service

filed through Sheriff of Mumbai dated **16.02.2024** and **20.2.2024** for proving General Notice through e-filing and Administration Bond dated **27.02.2024** also filed through e-filing.

12. This petition is filed for grant of Succession Certificate in respect to the **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 certain **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.

**COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR**