

**BEFORE : MRS. R.V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 5th April'2024.**

Sr. No. 24 – TP 107 OF 2024

(ECHCBM02155202023)

Mr. Sudhir Yadav, Advocate i/b. Rajesh Bijlalni for the petitioner.

Called for direction

1. Perused the Petition. Heard Advocate for petitioner. Advocate for petitioner submits that the present petition is for Succession Certificate in respect of certain **debts and securities** belonging to the deceased viz. Anagha Arvind Kulkarni alias Anangha Arvind Kulkarni, who died at Mumbai on 14.03.2023. 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 **502, Abhishek, Road No.3, Jay Prakash Nagar, Goregaon (East), Mumbai- 400063, and 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 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 viz. Arvind Narayan Kulkarni alias Arvind N. Kulkarni, pre-deceased the deceased on 09.10.2021. Copy of the death certificate is annexed as exhibit “B” to the petition.

a) Advocate for the petitioner submits that the deceased had only son viz. Abhijeet Arvind Kulkarni who predeceased the deceased on 16.4.1997 as a bachelor. Copy of the death certificate is annexed as exhibit “C” to the petition.

b) Advocate for the petitioner submits that the deceased had two brother in laws and two sister in laws viz. Anant Narayan Kulkarni, brother in law of the deceased predeceased the deceased on 26th day of March, 2019 leaving behind one son and one daughter viz. Salil Anant Kulkarni (nephew of the deceased/son of the deceased brother in law), Manisha Sunil Mundhra (married niece of the deceased/daughter of deceased brother in law).

c) Advocate for the petitioner submits that the deceased sister in law viz. Sangeeta Nishikant Gupte, predeceased the deceased on 22.6.2015 leaving behind her daughter viz. Sharmila Pradeep Mohite (married niece of the deceased/daughter of deceased sister in law).

d) Advocate for the petitioner submits that the deceased left behind her brother in law and sister in law viz. Ramesh Narayan Kulkarni (brother in law of the deceased/petitioner no. 1) and Medha Prafullachandra Chaubal, (sister in law of the deceased/ petitioner no. 2). 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.

Advocate for petitioner submits that Salil Anant Kulkarni Manisha Sunil Mundhra and Sharmila Pradeep Mohite had given their **consent for issuance of succession certificate in favour** of Ramesh Narayan Kulkarni and Medha Prafullachandra Chaubal. The consent affidavits are annexed as **page no. 27 to 32**.

Advocate for the petitioner submits that consent affidavit of Sharmila Pradeep Mohite is tendered across the bar.

6. Advocate for Petitioner submits that being the **brother in law and sister in law** of deceased claims to be entitled for **1/4th** 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 dated **31.01.2024** for proving General Notice filed through e-filing and Administration Bond dated **22.01.2024** also filed through e-filing.

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 certain **debts and securities** left by the deceased and shown in the schedule, in prescribed format. As the petitioner no. 1 is 91 years old. **Grant to be expedited.**
- 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**