

BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE: 22nd February, 2024

CALLED FOR DIRECTION :

510 TP/110/2024)
)
(ECHCBM022061)
72023))

Mr. Sameer R. Logade, Advocate for the petitioner.

P.C.: 1. Perused the Petition. Heard Ld. Advocate for the petitioner. Pursuant to the direction issued in order dated 20.02.2024. Advocate for the petitioner has carried out the necessary corrections into the petition.

2. Advocate for the petitioner submits that, this petition is filed for Succession Certificate in respect of certain **Debts** belonging to deceased Aarti Bharat Satam, who died at Mumbai on 07.10.2020. Copy of death certificate is annexed as Exhibit - 'A' to the petition. Copy of identification proof of the deceased is annexed as Exhibit - 'B' to the petition.

3. Advocate for the petitioner submit that, the said deceased ordinarily resided at 61/17, Bandukwala Building, Dilima Street, Opp. Dockyard Road Station, Mazgaon, Mumbai – 400010 and /or left certain debt within greater Bombay.

4. 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.2

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5. Advocate for the petitioner submits that, the parents of the deceased predeceased the deceased. Advocate for the petitioner submits that, the husband of the deceased predeceased the deceased died on 10.08.2023 and the death certificate is annexed as Exhibit - 'C' to the petition. Advocate for the petitioner submits that, the parents of the husband of the deceased predeceased the deceased. Advocate for the petitioner submits that, the deceased having only one son and no daughter and son of the deceased Akshay Bharat Satam died on 21.06.2022 and he died as a bachelor. Advocate for the petitioner submits that, the deceased had no brother and no sister and the husband of the deceased have only one brother i.e. Aatmaram Shantaram Satam and no sister, Aatmaram Shantaram Satam died on 01.01.2002 and the copy of death certificate is annexed as Exhibit - 'E' to the petition. Advocate for the petitioner submits that, the Aatmaram Shantaram Satam (brother-in-law of the deceased) left behind him Chhaya Aatmaram Satam (sister-in-law of the deceased), Swapnil Aatmaram Satam (nephew of the deceased), Madhuri Murari Rane (niece of the deceased) and Santosh Aatmaram Satam (nephew of the deceased / petitioner). Save and except mentioned herein.

6. Advocate for the petitioner submits that, the Chhaya Aatmaram Satam (sister-in-law of the deceased), Swapnil Aatmaram Satam (nephew of the deceased) and Madhuri Murari Rane (niece of the deceased) had given there consents for issuance of Succession Certificate in

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) favour of the petitioner i.e. Santosh Aatmaram
) Satam (nephew of the deceased). The consent
) Affidavits are annexed as page No. 19 to 30 to
) the petition.
)

) 7. Advocate for the petitioner submits that,
) the petitioner is nephew of the deceased claims
) to be entitled to 1/4th share in 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.
)

) 10. Advocate for the petitioner submits that,
) the delay if any in making the present Petition is
) on account of the facts that the Petitioner is not
) aware about the legal representation and hence,
) inadvertently remained to apply for obtaining
) the Succession. Therefore, in the interest of
) natural justice may condone the delay.
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11. Advocate for the petitioner submits that the General Notice was issued on 11.01.2024 in the aforesaid matter. Advocate for the petitioner has filed Affidavit of Service dated 25.01.2024 for proving General Notice through e-filing and Administration Bond dated 30.01.2024 also filed through e-filing. Advocate for petitioner tendered original Affidavit of service and Administration Bond, which are kept in record and proceeding.

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

a. 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.

b. Before issuance of the grant, the office to verify whether any cross Petition is pending or Affidavit resisting the petition is filed.

c. The petitioner to file an account as undertaken in the Administration Bond within stipulated period. Necessary endorsement be made on the

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510	TP/110/2024	)	Administration Bond, subject to
		)	satisfaction of the Department.
	(ECHCBM022061	)	
	72023)	)	d. Office is directed to issue Succession
		)	Certificate.
		)	

22.02.2024

COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR