

**BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE: 23rd FEBRUARY, 2024**

CALLED FOR FIRST ON BOARD (F.O.B) :

**Sr. No. 11 – TP / 115 / 2024
(ECHCBM02150002023)**

Ms. Jyoti Badgujar i/b. Mr. S. U. Lakdawala, Advocate for petitioner.

1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Succession Certificate in respect of certain **securities** belonging to the deceased viz. Saroj Jitubhai Vora alias Saroj J. Vora alias Saroj Vora, who died at Shaikpet, Madhapur, Hyderabad, Telangana on 19.10.1994. Copy of death certificate is annexed at Exhibit- A to the petition. Advocate for petitioner submits that since no identification proof of the deceased available they have filed Affidavit dated 15.6.2023 for dispensation of identification proof of the deceased. After perusal of the same it is found that the petitioner has mentioned that they have taken due care and diligent search, but the said identification proof of the deceased is not available with them. Hence, the petitioner request that they may be permitted to file the present petition without the identification proof of the deceased. The said request is accepted. Copy of Affidavit of identification proof of the deceased is annexed as Exhibit 'B' to the petition.

2. Advocate for petitioner submits that the said deceased ordinarily resided at Shaikpet, Madhapur, Hyderabad, Telangana but ordinarily residing at 9, Indrayani Building, 12 Juhu Road, Mumbai 400 054 and left property within Greater Bombay throughout India.
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 the deceased left behind her husband, one son and two daughters viz. Jitubhai Himmat Lal Vora, Hiren Vora s/o. Jitubhai Vora, Bhavini Atulbhai Ramani and Priti Vivek Punatar. The deceased left no other heirs save and except those mentioned herein above. There are no next-of-kin left by the deceased.
6. Advocate for petitioner submits that Jitubhai Himmat Lal Vora (husband of the deceased) and Hiren Vora s/o. Jitubhai Vora (son of the deceased) had given their Joint Consent Affidavit dated 19.02.2024 for issuance of Succession Certificate in favour of the petitioner viz. Priti Vivek Punatar (married daughter of the deceased).

and Bhavini Atulbhai Ramani (married daughter of the deceased) also given her consent Affidavit dated 19.02.2024 for issuance of Succession Certificate in favour of the petitioner viz. Priti Vivek Punatar (married daughter of the deceased). Advocate for petitioner tendered the Consent Affidavits, which are kept in record.

7. Advocate for petitioner submits that the petitioners being the married daughter of the deceased claims to be entitled for 1/4th share in the estate left by 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 delay, in filing the present Petition is on account of the fact that Petitioner was Ignorant and unaware of obtaining any legal representation recently he has been advised to obtain the same hence delay in filing the petition be condone in interest of justice. In view thereof, delay is condoned.

12. 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 **29.01.2024** for proving General Notice through e-filing and Administration Bond dated **20.02.2024** also filed through e-filing. Advocate for petitioner tendered original Affidavit of service and Administration Bond, which are kept in record and proceeding.

13. Advocate for petitioner submits that the date of lodging of the petition is wrongly mentioned in the Administration Bond. Advocate for petitioner requests to carry out correction in the Administration Bond and reverification may be dispensation with. The said requests is accepted. Advocate for petitioner is allowed to carry out the said correction in the Administration Bond forthwith and reverification is dispensation with.

14. 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 **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.

23.02.2024

Ajay Mishra

COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR