

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

CALLED FOR DIRECTION :

**Sr. No. 41 – TP / 120 / 2024
(ECHCBM02173432023)**

Mr. R. T. Kharwar, Advocate for petitioner.

1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Succession Certificate in respect of certain **debts and securities** belonging to the deceased (1) viz. Kunjalata Tarak Mehta alias Kunjlata Tarak Mehta, who died at Mumbai on 26.05.2010. 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.

Deceased (2) viz. Tarak Bansidhar Mehta, who died at Mumbai on 21.05.2021. Copy of death certificate is annexed at Exhibit- A2 to the petition. Copy of the identification proof of the deceased is annexed at Exhibit -A3 to the petition.

2. Advocate for petitioner submits that both the said deceased ordinarily resided at Room No.7, 1st Floor, Laxmi Bhavan, Laxmi Temple Compound, Narayan Tagore Road Santacruz (West), Mumbai-400054, and Poddar Road, 101, Kalash opp. Vallabh Darshan Haveli, Santacruz (West), Mumbai-400054, and/or left property within Greater Mumbai in the State 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 both deceased were husband and wife. Parents of the both deceased predeceased the deceased. Both deceased left behind them Parthiv Tarak Mehta (son of the both deceased / petitioner no. 1) and Heta Ketan Kenia (Married daughter of the both deceased / petitioner no. 2). There are no other legal heirs of the both deceased, save and except mentioned at para no. 4 of the petition.
6. Advocate for petitioner submits that petitioners beings the son and daughter of the both deceased claims to be entitled to $\frac{1}{2}$ each share in the estate left by the both 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 the delay making this present Petition is on account of the fact that the Petitioner is ignorant and unaware of obtaining any legal representation. Now the Petitioner has been recently advice to obtain a legal representation. Hence this Hon'ble Court in the interest of justice may codone the delay. 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 has filed Affidavit of Service dated **29.01.2024** for proving General Notice through e-filing and Administration Bond dated **12.02.2024** also filed through e-filing. Advocate for petitioner tendered original Affidavit of service and Administration Bond, which are kept in record and proceeding.

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 **debts and 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.

20.02.2024

Ajay Mishra

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**