

**BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 26th August'2024.**

Sr. No. 12 - TP/433/2024
(ECHCBM02160432023)

Mr. B. G. Saraf, Advocate for the petitioner.

For Compliance

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. Mahendra Laxmidas Asher alias Mahendra Laxmidas Ashar alias Asher Laxmidas Mahendra alias Mahendrakumar Laxmidas Asher alias Ashar Mahendrakumar Laxmidas who died at Mumbai on 27.08.2000. 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. 2, Rambha Apartment, Kokhani Lane; Near Ghatkopar Station, Ghatkopar East, Mumbai - 400077 and left property within Greater Bombay and in the State of Maharashtra and elsewhere in India.

It has been observed that the Advocate for the petitioner has not mentioned the address of the deceased in

para no. 2 of the petition. Advocate for the petitioner submits that he may be permitted to carry out the correction in para no. 2 of the petition. He will upload the corrected version and request that reverification may be dispensed with. The said request is accepted. Advocate for the petitioner is permitted to carry out correction in para no.2 to the petition. He will upload the corrected version. Reverification is dispensed with.

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 **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 the petitioner submits that the parents of the deceased predeceased the deceased. The wife of the deceased viz. Manjula Mahendrakumar Asher died 30.03.2003.

Advocate for petitioner submits that the deceased left behind him daughters and sons viz. (1) Hemnalini Narendra Negandhi (married daughter of the deceased), (2) Kalindi Umesh Sampat (married daughter of the deceased), (3) Manjari Bharat Ved (married daughter of the deceased), (4) Jatin Mahendra Asher (son of the deceased)

died on 6.11.2022 leaving behind Priti Jatin Asher(daughter of the deceased/wife of deceased son), Mrigakshi Jatin Asher (granddaughter of the deceased/daughter of deceased son) and Utkarsh Jatin Asher (grandson of the deceased/son of deceased son), (5) Aarti Yatish Kapadia (married daughter of the deceased), (6) Anjan Mahendra Asher (son of the deceased/petitioner herein). 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 Hemnalini Narendra Negandhi, Kalindi Umesh Sampat , Manjari Bharat Ved, Priti Jatin Asher, Mrigakshi Jatin Asher, Utkarsh Jatin Asher, Aarti Yatish Kapadia had given their consent for issuance of succession certificate in favour of Anjan Mahendra Asher.

The consent affidavits of Hemnalini Narendra Negandhi, Kalindi Umesh Sampat, Priti Wd/o Jatin Mahendra Asher and Mrigakshi Jatin Asher D/o Jatin Mahendra Asher, Utkarsh Jatin Asher through power of attorney holder Priti Wd/o Jatin Mahendra Asher and Mrigakshi Jatin Asher D/o Jatin Mahendra Asher and Aarti Yatish Kapadia, Manjari Bharat Ved are annexed separately to the petition.

6. Advocate for Petitioner submits that being the **son** of deceased claims to be entitled for **1/6th** 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 **16.02.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **11.03.2024** for proving General Notice filed through e-filing and Administration Bond dated **16.02.2024** also filed through e-filing.

It has been observed that the date of lodging of the petition is wrongly mentioned in the Administration Bond. Advocate for the petitioner submits that he will carry out correction with respect to date of lodging of the petition in the Administration Bond and he will upload the corrected version and request that reverification may be dispensed with. The said request is accepted. Advocate for the petitioner is permitted to carry out the correction with respect to date of lodging of the petition in the Administration Bond. He will upload the corrected version. Reverification is dispensed with.

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.
- 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.

Advocate for the petitioner is directed to upload and file the consent affidavits on records as the same are not filed on line. Office to proceed with the grant as soon as the compliance done.

ksa/rvr

**COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR**