

BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 10th June'2024.

Sr No. - 29 - TP 531 of 2024
(ECHCBM02094122023)

Mr. Bhuvan Thakker, Advocate i/b. Aniket Yadav for
petitioner.

Called 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 **Securities** belonging to the deceased viz. Navnitray Jamnadas Katakia aka Navanitrai Jamnadas Katakia aka Navnitbhai Jamnadas Katakia who died at Mumbai on 24.08.1996. 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 **16/A, Suryakiran Building, Pangali August Kranti Marg, Mumbai 400 036**, 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 **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.**

Advocate for petitioner submits that the deceased left behind him Three daughters and two sons viz. (1) Meenaxi Hasmukh Mehta who died on 29.12.2021 leaving behind husband 1(a) Hasmukh Champaklal Mehta (son in law of the deceased/husband of the deceased daughter) 1(b) Deval Hasmukh Mehta (Grandson of the deceased/son of deceased daughter) 1(c) Toral Divyesh Parekh (granddaughter of the deceased/married daughter of deceased daughter) (2) Varsha Prabodh Mehta (daughter of the deceased/petitioner No. 1), (3) Jayshree Yogesh Sanghvi (daughter of the deceased/petitioner No. 2), (4) Ketan Navnitray Katakia (son of the deceased), (5) Jayesh Navanitrai Katakia (son of the deceased/petitioner no. 3). 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 Hasmukh Champaklal Mehta, Deval Hasmukh Mehta, Toral Divyesh Parekh and Ketan Navnitray Katakia had given their

consent for issuance of succession certificate in favour of Varsha Prabodh Mehta, Jayshree Yogesh Sanghvi and Jayesh Navanitrai Katakia.

The consent affidavits are annexed as page no. 30 to 33.

6. Advocate for Petitioner submits that being the **daughters and son** of deceased claims to be entitled for **1/5th** share in the estate left by the deceased.

Advocate for the petitioner submits that he may be permitted to carry out correction into the petition with respect to 1/5th share at para no. 5 of the petition as the petitioners are entitled from 1/5th Share in the estate left by the deceased. Advocate for petitioner request for dispensation of reverification. The said request is accepted. Advocate for the petitioner is allowed to carry out the correction and reverification is dispensed with. Advocate for the petitioner is allowed to upload the corrected petition.

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 **23.02.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service through Bailiff, Office of Sheriff of Mumbai dated **06.04.2024** for proving General Notice filed through e-filing and Administration Bond dated **23.04.2024** also filed through e-filing.

Advocate for the petitioner request that he may be permitted to carry out correction with respect to lodging date of the petition in the Administration Bond and reverification may be dispensed with. The said request is

accepted. Advocate for petitioner is allowed to carry out the correction forthwith and reverification is dispensed with.

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

- 1) Petition is allowed and the Succession Certificate be granted to the petitioner for certain **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.

ksa/rvr

**COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR**