

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

Sr No. - 32 – TP 544 of 2024
(ECHCBM02069932020)

Mr. Gaurav Changrani, Advocate i/b. Law Chamber of
Siddharth Murarka 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 **Credits/Debts/Shares/Securities** belonging to the deceased viz. Mahimavati Satyanarayan Kagzi alias Mahimavati Satyanarain Kagzi who died at Mumbai on 17.10.2017. Copy of death certificate is annexed at Exhibit -'B1' to the petition. Copy of the identification proof of the deceased is annexed at Exhibit "B2" to the petition.

2. Advocate for petitioner submits that the said deceased ordinarily resided at 21/42 Usha Kiran, Carmichael Road, Greater Mumbai, Mumbai, Maharashtra - 400026, and left Credits/Debts and amounts, within Mumbai in the State of Maharashtra and not elsewhere in 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 by the deceased surviving as **her** 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 and husband of the deceased predeceased the deceased.

Advocate for petitioner submits that the deceased left behind her two daughters and two sons viz. Brijlata Bhalotia (daughter of the deceased), Kishan Bihari Kagzi (son of the deceased/petitioner herein), Rameshkumar Satyanarayan Kagzi (son of the deceased) and Premlata Ashokkumar Garodia (daughter of the deceased). 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 Brijlata Bhalotia , Rameshkumar Satyanarayan Kagzi, and Premlata Ashokkumar Garodia had given their consent for issuance of succession certificate in favour of Kishan Bihari Kagzi.

The consent affidavits are annexed as page no. 24 to 29.

6. That as per law the Petitioner is entitled to 25% share in the estate of the deceased. However, the other legal heirs Brijlata Bhalothia, Rameshkumar Satyanarain Kagzi, and Premlata Ashokkumar Garodia have shown no interest in the said amounts in the aforesaid bank accounts, and it is agreed that the said amounts should go to only one legal heir, that is the Petitioner herein, and hence the Petitioner is claiming 100% share. The other legal heirs have also provided their respective Consent Affidavits stating that they have no interest, and hence want the amounts lying in both the accounts of the deceased be given/transferred to the Petitioner only. Hereto annexed and marked as "EXHIBIT - E1 to E3" (Page No.24-29) are the true copies of the said affidavit of all other legal heirs.

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 dated **27.03.2024** for proving General Notice filed through e-filing and Administration Bond dated **07.06.2023** also filed through e-filing. The original Administration Bond dated 07.06.2024 is taken on record. The Administration Bond is tendered across the bar which is taken on record and kept with final order.

12. This petition is filed for grant of Succession Certificate in respect to the **Credits/Debts/Shares/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 **Credits/Debts/Shares/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**