

**BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 11th June'2024.**

**Sr. No. 2 – TP 561 of 2024
(ECHCBM02204912023)**

Mr. Kamar Ali Shaikh, Advocate for the 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. Daksha Aravind Kapadia who died at Mumbai on 10th March 2009. Copy of death certificate is annexed at Exhibit -'A1' to the petition. Copy of the identification proof of the deceased is annexed at Exhibit "A2" to the petition.

2. Advocate for petitioner submits that the said deceased ordinarily resided at Flat no. 6, second floor, Ashirvad, Kasturba Cross Road No.5, Borivali East, Mumbai-400066, and left property within Greater Mumbai 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 **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 Kalpana Shirish Oza (married daughter) who died on 22.5.1983 leaving behind Stuti Hamir Vasavada (married grand daughter of the deceased/petitioner herein/daughter of deceased daughter) and Jalpan Shirish Oza (grandson of the deceased/son of deceased daughter). 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 Jalpan Shirish Oza had given his consent for issuance of succession certificate in favour of Stuti Hamir Vasavada.

The consent affidavits are annexed as page no. 18 to 19. Advocate for the petitioner submits that Mr. Jalpan Shirish Oza (grand son of the deceased) had given consent for issuance of succession certificate in favour of Stuti Hamir Vasavada and in the said Consent Affidavit it is mentioned that he is not having any objection to grant succession certificate in favour of the petitioner.

Advocate for the petitioner submits that it is also specifically mentioned in the consent affidavit that he waived the service of notice upon him and accord his full and free consent to grant Succession Certificate in favor of the Petitioner, without justifying his share in the estate of the deceased. Hence, Advocate for the petitioner submits that petitioner is entitle for full share in the estate of the deceased in para no. 6 of the petition.

6. Advocate for Petitioner submits that being the **grand daughter** of deceased claims to be entitled for **full** 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 **23.02.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **23.04.2024** for proving General Notice filed through e-filing and Administration Bond dated **15.04.2024** also filed through e-filing.

It is has been observed that in the Administration Bond the date of registration of the petition is mentioned instead of date of filing of the petition. Advocate for the petitioner request that the same may be waived. The said request is accepted. The said objection is waived.

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**