

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

Sr. No. 10 - TP – 680 of 2024
(ECHCBM02017932023)

Mr. Yash Agrawal, Advocate for the petitioner.

Called for Compliance :

1. Perused the Petition. Heard Advocate for petitioner. Advocate for petitioner submits that the present petition is in respect of **debts** belonging to the deceased viz. Smt. Anandibai Harivallabhdas Shah, who died at Mumbai on 05.09.2020. 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 **B-106, Samruddhi Apartment, M.G. Road, Dhanukarwadi, Kandivali (West), Mumbai – 400067** and/or 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 **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 **husband of the deceased predeceased the deceased. The deceased died issuleless.**

Advocate for petitioner submits that the deceased left behind her Kantilal Mathuradas Shah (brother in law of the deceased) who died on 29.1.1985 and Chandrakanta Kantilal Shah (sister in law) who died on 22.11.1978 leaving behind them Prakash Kantilal Shah (nephew of the deceased), Jayant Kantilal Shah (nephew of the deceased) who died on 28.12.2013 leaving behind him Ranjan Jayant Shah (nephew in law of the deceased/son of deceased nephew) died on 27.9.2019 leaving behind Nikhil Jayant Shah (grandnephew of the deceased/petitioner herein/son of nephew in law), Samir Jayant Shah (Grandnephew of the deceased/son of nephew in law), Sarika Mayur Shah (grandniece of the deceased/daughter of nephew in law), Jagruti Devesh Shah (grandniece of the deceased/daughter of nephew in law), Anita Dilip Shah (niece of the deceased), Anjana Kaushik Shah (niece of the deceased) died on 31.5.2018 leaving behind her Alok Kaushik Shah (Grandnephew of the deceased/daughter of deceased niece) and Payal Sachin Shah (Grandniece of the deceased/

daughter of deceased niece). 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 Prakash Kantilal Shah, Samir Jayant Shah, Sarika Mayur Shah, Jagruti Devesh Shah, Anita Dilip Shah, Alok Kaushik Shah and Payal Sachin Shah had given their consent for issuance of succession certificate in favour of Nikhil Jayant Shah.

The consent affidavits are annexed as page no. 30 to 61.

6. Advocate for Petitioner submits that being the **grandnephew** of deceased claims to be entitled for **1/16th** share in the estate left by the deceased.

It has been observed that the share of the petitioner in the estate left by the deceased is mentioned as 1/4th share instead of 1/16th share. Advocate for the petitioner submits that he may be permitted to carry out the correction into the petition with respect to the share of the petitioner in the estate left by the deceased and reverification may be dispensed with. The said request is accepted. Advocate for the petitioner is allowed to carry out the correction forthwith into the petition with respect to the share of the petitioner in the estate left by the deceased. Reverification is dispensed with.

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 **08.03.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **02.04.2024** for proving General Notice filed through

e-filing and Administration Bond dated **12.03.2024** also filed through e-filing.

12. This petition is filed for grant of Succession Certificate in respect to the **debts** 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** 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**