

**BEFORE : MRS. R.V. RANE  
COMPANY REGISTRAR /  
TESTAMENTARY REGISTRAR  
DATE : 24th July 2024**

Sr. No. – 8 -TP/708/2024  
(ECHCBM02037502023)

Mr. Subhash Khade, Advocate for the petitioner.  
Called for Compliance

Advocate for the petitioner submits that the petitioner has filed two separate petitions for grant of succession certificate in respect of same deceased.

Advocate for the petitioner submits that Testamentary Petition No. 4123 of 2023 has filed for grant of succession certificate in respect of certain securities jointly held by (1) viz. Chhabil Das Jhamb alias C. D. Jhamb and (2) viz. Bhagwandeви Jhamb alias Bhagwan Devi Jhamb, grandfather and grandmother of the petitioner while Testamentary Petition No. 708 of 2024 jointly held by 1) viz. Bhagwan Devi Jhamb alias Bhagwandeवि Jhamb and Suresh Chhabildas Jhamb grand mother and father of the petitioner

Advocate for the petitioner submits that in similar situation the Hon'ble Court (Coram : Manish Pitale, J.) by order dated 10.1.2024 passed order in TP No. 3954 of 2022 with TP 3969 of 2022 with TP 3974 of 2022 and has observed as under :

“1. It appears that in these petitions filed by the same petitioner, the department has raised objections as to why the three separate petitions were filed for grant of succession certificates in respect of the same deceased person.

3. Considering the peculiar circumstances where the securities appear to have been jointly held by the deceased persons in different combinations, the petitioner can be permitted to pursue the petitions before the Department”.

4. In view of the above, the Department is directed not to insist upon the aforesaid objection and to process the petitions.

Advocate for the petitioner submits that the same ruling can be applied in the present case which was passed by the Hon'ble Court and the petition may be allowed. I have perused the petition as well as order dated 10.4.2024. (Coram : Manish Pitale J.). In view of the same petition can be proceeded.

1. Perused the Petition. Heard Advocate for petitioner. Advocate for petitioner submits that the present petition is for Succession Certificate in respect of certain **joint securities** belonging to the deceased no. (1) viz. Bhagwan Devi Jhamb alias Bhagwandeви Jhamb who died at Mumbai on 22.05.1997. 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. And deceased no. (2) viz. Suresh Chhabildas Jhamb, who died at Mumbai on 13.08.2003. Copy of death certificate is annexed at Exhibit -‘B’ to the petition. Copy of the identification proof of the deceased is annexed at Exhibit “B1” to the petition.

2. Advocate for petitioner submits that the said deceased No. (1) ordinarily resided at 2/A, Jeevan Asha, 2<sup>nd</sup> FI, 60/A, Pedder Road, Mumbai - 400 026, and left property within Greater Bombay and in the State of Maharashtra and elsewhere in India.

Advocate for petitioner submits that the said deceased No. (2) ordinarily resided at 2 A, Jeevan Asha, 60/A, Pedder Road, Mumbai - 400 026, and left property within Greater Bombay and in the State of Maharashtra and elsewhere in India.

3. Advocate for petitioner submits that both 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 both the deceased surviving as **their** 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 no. (1) viz. Chhabildas D Jhamb,

alias C. D. Jhamb expired on 01.10.1996. Copy of the death certificate is annexed as Exhibit “C” to the petition. Advocate for petitioner submits that the deceased No. (1) left behind her son and three daughters viz. (1) Suresh Chhabildas Jhamb (son of the deceased no. 1 and who is deceased no. 2 in the present petition) who died on 13.08.2003 leaving behind viz (1a) Punam Suresh Jhamb (daughter in law of deceased no. 1/wife of the deceased son who is deceased no. 2 in the present petition) , (1b) Ashish Suresh Jhamb (grandson of deceased no. 1/son of deceased son who is deceased no. 2 in the present petition/petitioner herein), (1c) Abhishek Suresh Jhamb (grandson of deceased no. 1/son of deceased son who is deceased no. 2 in the present petition), (2) Saroj Chabildas Jhamb (daughter of the deceased no. 1) who died as spinster on 21.12.2002. Copy of the death certificate is annexed Exhibit “D” to the petition. (3) Meena Bajaj (married daughter of the deceased no. 1) (4) Sunila Arora (married daughter of deceased no. 1).

Advocate for the petitioner submits that the deceased no. (2) left behind him widow and two sons viz. Punam Suresh Jhamb (widow of the deceased no. 2/daughter in law of deceased no. 1), Ashish Suresh Jhamb (son of the deceased no. 2/grandson of deceased no. 1/petitioner herein) and Abhishek Suresh Jhamb (son of deceased no. 2/grandson of deceased no. 1). 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 Punam Suresh Jhamb, Abhishek Suresh Jhamb, Meena Bajaj and Sunila Arora had given their consent for issuance of succession certificate in favour of Ashish Suresh Jhamb

The consent affidavits are annexed as page no. 27 to 46.

6. Advocate for Petitioner submits that being the grandson of deceased no. 1 and son of deceased no. 2 claims to be entitled for 1/9th share in the estate left by the deceased.

Advocate for the petitioner has to carry out correction into the original petition at para no. 8 with respect to petitioner is entitled for 1/9th share in the estate of deceased no. 1 and deceased no. 2. Advocate for the petitioner submits that he may be permitted to carry out the correction in para no. 8 with respect to the petitioner is entitled for 1/9th share instead of 1/5th and 1/3rd share. He will upload the corrected version and request the reverification may be dispensed with. The said request is accepted. Advocate for the petitioner is allowed to carry out the correction in para no. 8 of the petition forthwith and upload the corrected version. Reverification may be 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 **15.03.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **03.07.2024** for proving General Notice filed through

e-filing and Administration Bond dated **06.04.2024** also filed through e-filing.

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.

Office to issue grant as soon as the Advocate for the petitioner comply the direction with respect to para no. 8 of the petition.

**COMPANY REGISTRAR /  
TESTAMENTARY REGISTRAR**