

**BEFORE : MRS. R.V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 12th July'2024**

Sr. No. – 5 -TP/2090/2024

(ECHCBM02174112023)

Mr. Sandesh V. Kate 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 **debts** belonging to the deceased viz. Richard Walti Siquera who died at Mumbai on 01/07/2021. Copy of death certificate is annexed at Exhibit -'B' 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 **Room no. 5, Sunita Niwas Gupta Compound, Fransis Wadi, Jogeshwari (E) Mumbai-400 060 and left Life Insurance Death Claim sum of Rs.4,33,200/-.**

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 **Indian Succession Act, 1925** are mentioned in para no. 4 of the said petition.

5. Advocate for petitioner submits that the deceased died bachelor.

Advocate for the petitioner submits that the mother of the deceased viz. Chhaya Walti Siquera died on 20.7.2020. Copy of the death certificate is annexed as Exhibit "C" to the petition.

Advocate for the petitioner submits that earlier the father Mr. Walti Sabistan Siquera filed a Testamentary Petition No. 5007 of 2023 on 03/01/2022 for a succession certificate in respect of certain debts belonging to Mr. Richard Walti Siquera under Part X of the Indian Succession Act, 1925 and the Succession Certificate was obtained on 27/03/2023 in the name of Mr. Walti Sabistan Siquera. A true copy of the said Succession Certificate is annexed hereto and marked as EXHIBIT-D.

Advocate for the petitioner submits that before collecting the Life Insurance Death Claim sum of Rs.4.33.200/-, the father Mr. Walti Sabistan Siquera died on 15/04/2023 and the Life Insurance Death Claim couldn't be claimed. A true copy of the Death Certificate of Mr. Walti Sabistan Siquera is annexed hereto and marked as EXHIBIT-E.

Advocate for petitioner submits that the deceased left behind him only brother viz. Marshal Walti Siquera (brother of the deceased(brother of the deceased/petitioner herein). The deceased had no sister. 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.

6. Advocate for Petitioner submits that being the **only brother** of deceased claims to be entitled for **100%** 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 **03.05.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **14.06.2024** for proving General Notice filed through e-filing and Administration Bond dated **14.06..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.

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**