

**BEFORE : MRS. R.V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 7th August”2024**

Sr. No. – 26- 2573 of 2024
(ECHCBM0215542203)

Ms. Jyoti Badgujar, Advocate i/b. S. U. Lakdawala for the
petitioner.

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. Shantaben Manilal Vyas alias Shantaben M Vyas alias Shantaben Vyas who died at Post Punasan Tal : Biloda, Sabarkantha Himatnagar on 26.08.1999. Copy of death certificate is annexed at Exhibit -‘A’ to the petition.

Advocate for petitioner submits that since identification proof of the deceased is not available petitioner had filed Affidavit dated 26.08.2023 for dispensation of identification proof of the deceased. After perusal of the same it is found that the petitioner has mentioned that they had taken search, but the said identification proof of the deceased is not available with them. Hence, the petitioner request that they may be permitted to file the present petition without the identification proof of the deceased. The said request is accepted. Copy of Affidavit for dispensation of identification

proof of the deceased is annexed as Exhibit “C” to the petition.

2. Advocate for petitioner submits that the said deceased ordinarily resided at Post Punasan, Tal: Bhiloda, Sabarkantha Himatnagar but was ordinarily residing at Building Number 108, 3279, 3rd Floor, Pant Nagar, Sahakar Market Ghatkopar (East), Mumbai 400 075 and left property within Mumbai and in the State of Maharashtra and elsewhere in India

Pursuant to the direction passed by the Hon’ble Court in TP No. 233 of 2022 the issue of jurisdiction under section 371 of the Indian Succession Act is decided. It is decided that, this Hon’ble Court is having Jurisdiction if, the Securities/Debts lies in the Jurisdiction of this Hon’ble Court. This Court is having jurisdiction to proceed with the matter. Since, the Hon’ble Court has decided the issue of the Jurisdiction petition can be proceeded.

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 viz. Manilal Vyas died before 1981.

Advocate for petitioner submits that the deceased left behind her son viz. Dinesh Kumar Manilal Vyas (son of the deceased) died on 11.02.2014. Copy of the death certificate is annexed as Exhibit "D" to the petition. He left behind him (1) Anjana Dinesh Kumar Vyas (daughter in law of the deceased/widow of deceased son), (2) Nandu Dinesh Vyas (grandson of the deceased/son of deceased son/petitioner herein), (3) Mona Jimesh Joshi (grand daughter of the deceased/daughter of deceased son) , (4) Isha Prashant Mistry (grand daughter of the deceased/daughter of the deceased) and (5) Khushbu Nitin Desai (grand daughter of the deceased/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 Anjana Dinesh Kumar Vyas, Mona Jimesh Joshi , Isha Prashant Mistry and Khushbu Nitin Desai. had given their consent for issuance of succession certificate in favour of Nandu Dinesh Vyas,

The joint consent affidavits are filed separately to the petition.

6. Advocate for Petitioner submits that being the **grandson** of deceased claims to be entitled for **1/5th** 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 the petitioner submits that No Application has been made to any District Court or District Delegate or to any High Court for Succession Certificate in respect of any Debt or Security belonging to the estate of the Deceased. Save and except Petition No. 1750 of 2022 filed for Mr. Dinesh Kumar Manilal Vyas for same shares for which the Grant was issued inadvertently the said fact is mentioned in Petition but NOT in Schedule hence petitioner has been advised to obtain order for the Joint holder the present Deceased, Petitioner has paid Maximum Court fees hence prays for exemption of Court fees. Hereto marked and annexed Exhibit "F" is a Photocopy of Succession Certificate issued by this Honourable Court. dated 29-3-2023. Hereto marked and annexed Exhibit "G" is a Photocopy of Share Certificates.

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 **15.06.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **28.06.2024** for proving General Notice filed through e-filing and Administration Bond dated **24.06.2024** 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.

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**