

**BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE: 25th September, 2024**

CALLED FOR COMPLIANCE :

**Sr. No. 32 – TP / 2684 / 2024
(ECHCBM02212412023)**

Mr. Sid Desai i/b. Ms. Darshana Sapkal, Advocate for petitioner.

1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Succession Certificate in respect of certain Securities belonging to the deceased viz. Thakersey Hirji Ashar, who died at Mumbai on 15.10.1963. Copy of death certificate is annexed at Exhibit- 'A' to the petition.

Advocate for petitioner submits that since the identification proof of the deceased is not available they have filed Affidavit dated 19.07.2024 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 due care and diligent 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 of dispensation of identification proof of the deceased is filed separately through e-filing. **Advocate for petitioner is directed to carry out correction in para no. 1 with respect to the name of the deceased within one week from date of uploading of this order and upload corrected version of the petition. Re-verification dispensed with.**

2. Advocate for petitioner submits that the said deceased resided at the time of his death at 16/17, Lila Grah, Sir Vithldas Nagar, Sarojini Road, North Avenue, Santacruz West, Mumbai - 400054 and had a fixed place of abode at 16/17, Lila Grah, Sir Vithldas Nagar, Sarojini Road, North Avenue, Santacruz West, Mumbai - 400054 and left property within limits of Greater Bombay and in the State of Maharashtra and elsewhere in India.
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 **Hindu Succession Act, 1956** are mentioned in para no. 4 of the said petition.
5. Advocate for the petitioner submits that the parents of the deceased predeceased the deceased. Advocate for petitioner submits that widow of the deceased viz. Manibai Thakersay Ashar died on 18.06.1969. Advocate for petitioner submits that the deceased left behind his only one son viz. Suresh Thakersay Ashar, who is petitioner herein. 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 the petitioner as the son of the deceased claims to be entitled to entire share in the estate of 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 the Petitioner states that there is delay in filing the present Petition on account of the facts that the Petitioner was ignorant and unaware of obtaining any Legal representation in respect of property left by the abovenamed Deceased. The petitioner was recently been advised to obtain succession certificate from this Hon'ble High Court. The Petitioner therefore prays that the delay in filing the present Petition may be condoned in the interest of Justice. 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 **04.07.2024** for proving General Notice filed through e-filing and Administration Bond dated **04.07.2023** also filed through e-filing.

“Pursuant to order dated 28.02.2023 passed by Hon'ble Shri Justice Arif S. Doctor, in Testamentary Petition No. 2556 of 2022

and Testamentary Petition 2559 of 2022, directions was given to the Registry, in all matters for Letters of Administration and Succession Certificate, whenever there is sole legal heir, who is Class- I legal heir. Registry is directed to not to insist for filing / furnishing of Administration Bond.” Hence, Administration Bond is dispensed with.

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.

Office to issue grant as soon as Advocate for petitioner will correct the para no. 1 of the petition and upload the corrected version of the petition.

25.09.2024
Ajay

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**