

**BEFORE : MRS. R.V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 31st July'2024**

Sr. No. – 2 -TP/575/2024
(ECHCBM02111272023)

Mr. Sushil Inamdar, Advocate for the petitioner.

Called for Compliance

Advocate for the petitioner submits that the petitioner is son of the brother of the deceased no. 1 who predeceased the deceased on 4.1.2005. As per Hindu Succession Act , section 8 (IV) is applicable to the deceased since the deceased died issue-less and the parents also pre deceased and the wife of the deceased is since deceased. The property will devolve as per section 8 of the Hindu Succession Act.

Advocate for the petitioner submits that as per Section 8, Hindu Succession Act, 1956 and as per the schedule class II (1) brother's son (2) sister's son's (3) brother's daughter (4) sister's daughter are entitled to share estate of the deceased, as deceased died issue-less and no his Class-I legal heirs are available or Class II legal heirs of the abovenamed deceased. The petitioner is entitled to the share in the estate of both the deceased. Advocate for petitioner submits that the consent Affidavits are given by all other class II legal heirs of equal degree. Hence petition can be proceeded ahead and granted.

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 no. (1) viz. Yashwant Gopal Patil, who died at Mendh Patan, Satara on 01.05.2014. 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. Suman Yashwant Patil, who died at Mumbai on 14.12.2013. Copy of death certificate is annexed at Exhibit- 'B' to the petition. Copy of Identification proof of deceased is already annexed at Exhibit- 'B-1' to the petition.

2. Advocate for petitioner submits that the said deceased No. (1) ordinarily resided at Mendh, Tal-Patan, Dist-Satara, and left properties within Greater Karad in the Government of Maharashtra.

Advocate for petitioner submits that the said deceased No. (2) 15, Haribhavan Building Room No. 5, Dadisheth, Agyar Lane, Navi wadi, Ground Floor, Thakurdwar, Mumbai - 400 002 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 parents of both the deceased predeceased the deceased. Both the deceased died issueless.

Advocate for petitioner submits that both the deceased left behind them two brothers viz. (1) Anandrao Gopal Patil (brother of deceased no.1/brother in law of the deceased no. 2) died on 04.01.2005 leaving behind 1(a) Laxmibai Anandrao Patil (sister in law of deceased no.1 and 2/wife of deceased brother) died on 27.3.2010. 1(b) Atmaram Anandrao Patil (nephew of deceased no. 1 and 2/son of deceased brother/petitioner herein), 1(c) Uttam Anandrao Patil (nephew of deceased no.1 and 2/son of deceased brother) died on 24.2.2026 leaving behind 1c(1) Nanda Uttam Patil (daughter in law of deceased no. 1 and 2/widow of deceased nephew), 1c(2) Sonali Uttam Patil (grand daughter of deceased no. 1 and 2/ daughter of deceased nephew), 1c(3) Sudarshan Uttam Patil (grandson of deceased no. 1 and 2/ son of deceased nephew), 1(d) Prakash Anandrao Patil (nephew of deceased no.1 and 2/son of deceased brother), (2) Rajaram Gopal Patil (brother of deceased no. 1/brother in law of deceased no.2) died on 24.12.2010 leaving behind him 2(a) Parubai

Rajaram Patil (sister in law of deceased no. 1 and 2/widow of deceased brother), 2(b) Pravin Rajaram Patil (nephew of deceased no. 1 and 2/son of deceased brother), 2(c) Anita Ganesh Pawar (niece of deceased no. 1 and 2). 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 Nanda Uttam Patil , Sonali Uttam Patil, Sudarshan Uttam Patil, Prakash Anandrao Patil, Parubail Rajaram Patil, Pravin Rajaram Patil and Anita Ganesh Pawar had given their consent for issuance of succession certificate in favour of Atmaram Anandrao Patil

The consent affidavits are annexed separately to the petition.

6. Advocate for Petitioner submits that being the **nephew** of deceased claims to be entitled for **1/4th** 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 **23.02.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **30.05.2024** for proving General Notice filed through e-filing and Administration Bond dated **06.03.2024** 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.

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**