

**BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 8th May'2024.**

**Sr No. - 21 – TP – 719 of 2024
(ECHCBM02236852023)**

Ms. Seema Hunnurkar , Advocate for the petitioner

Called for direction

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 (1) viz. Sudha Dolat Desai nee Sudha Ramdas Mavani alias Desai Sudha Daulat alias S. D. Desai alias Sudha Dolatrai Desai alias Sudha Daulat Desai who died at Mumbai on 06.10.1996. 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 (2) viz Dolat Mohanlal Desai alias Dolat M. Desai who died at Navi Mumbai on 28.08.2013. 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 both the said deceased ordinarily resided at D3, Sunita, 2nd floor, Bomanji Petit Road, Mumbai 400 036 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 the deceased predeceased the deceased.

Advocate for petitioner submits that the deceased left behind them one son and one daughter viz. Ashutosh Dolat Desai (son of the deceased/petitioner herein) and Nikita DhumilSheth nee Nikita Daulatrai Desai (married 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 Nikita DhumilSheth nee Nikita Daulatrai Desai had given their consent for issuance of succession certificate in favour of Ashutosh Dolat Desai.

The consent affidavit is tendered across the bar. The same is taken on record.

6. Advocate for Petitioner submits that being the **son** of deceased claims to be entitled for **1/2** share in the estate left by the deceased.

Advocate for the petitioner request permission to carry out correction in para no. 6 in the share of the petitioner which is wrongly mentioned as full share instead of 1/2 share and request that reverification may be dispensed with. The said request is accepted. Advocate for the petitioner is allowed to carry out the correction with respect to the share of the petitioner in the estate of the deceased and upload the corrected version forthwith. Reverification is 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 **04.04.2024** for proving General Notice filed through e-filing and Administration Bond dated **20.03.2024** also filed through e-filing. The original Administration Bond is taken on record.

Advocate for the petitioner request permission to carry out correction in the Administration Bond with respect to the date of lodging of the petition and request reverification may be dispensed with. The said request is accepted. Advocate for the petitioner is allowed to carry out the correction in the Administration Bond and to upload the corrected version forthwith. Reverification 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.
- 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.

ksa/rvr

**COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR**