

BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 11th June'2024.

Sr. No. 13 - TP -762 of 2024
(ECHCBM02225402023)

**Ms. Sharmili Mhatre, Advocate i/b. Mhatre Law Associates
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 and Securities** belonging to the deceased viz. Vasdev Madhawdas who died at Mumbai on 29.05.2021 . Copy of death certificate is annexed at Exhibit - 'B' to the petition. Copy of the identification proof of the deceased is annexed at Exhibit "C" to the petition.

2. Advocate for petitioner submits that the said deceased ordinarily resided at Flat No. 21, Building No. 845, Road No. 3315, Block No. 333, Wind Tower, Mahooz, Bahrain and left property within Mumbai and State of Maharashtra, 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 **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 petitioner submits that the deceased left behind him widow and three daughters and one son viz. MADHURI VASDEV (wife of the deceased/petitioner No. 1), SUNITA MANOJ VAYANI (daughter of the deceased/petitioner no. 2), NEETA JAYANT GAJRIA (daughter of the deceased/petitioner no. 3), JAYA VASDEV MADHAWDAS (daughter of the deceased/petitioner no. 4), KIRAN VASDEV MADHAWDAS GOPAL (son of the deceased/petitioner no. 5). 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 **wife** of deceased claims to be entitled for **1/5th** share in the estate left by the deceased.

It has been observed that the share of the petitioner in the estate left by the deceased is mentioned as 1/2 share instead of 1/5th share. Advocate for the petitioner submits that she may be permitted to carry out the correction into the petition with respect to the share of the petitioner in the estate left by the deceased and reverification may be dispensed with. The said request is accepted. Advocate for the petitioner is allowed to carry out the correction forthwith into the petition with respect to the share of the petitioner in the estate left by the deceased. 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. m 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 **19.04.2024** for proving General Notice filed through e-filing and Administration Bond dated **26.03.2024** also filed through e-filing.

Advocate for the petitioner submits that *“pursuant to the order dated 2.2.2024 passed by the Hon’ble Shri Justice Manish Pitale, in Testamentary Petition No. 2918 of 2023, direction was given to the Registry in case of all the surviving legal heirs of the deceased are petitioners before the Court and the right or interest of no other legal heir is required to be protected, the department shall not insist on furnishing Administration Bond. Hence, Administration Bond is dispensed with”*.

12. This petition is filed for grant of Succession Certificate in respect to the **debts and 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 **debts and 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.

ksa/rvr

COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR