

**BEFORE : MRS. R.V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 12th August' 2024.**

Sr. No. – 15 - TP 766 of 2024
(ECHCBM02060952023)

Mr. Dinesh Mishra, Advocate 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 **Securities** belonging to the deceased viz. Beena Devi Babulal Kajaria who died at Mumbai on 20.10.2005. 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 28.10.2023 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 page no. 18 to 22 to the petition.

2. Advocate for petitioner submits that the said deceased ordinarily resided at 12, Geeta Apt. (amar Geeta C.H.S. Ltd), 176 , C.S.T. Road, Kalina, Santacruz, Mumbai – 400098 and/or left property within Greater Bombay and in the State of Maharashtra.

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 parents of the deceased predeceased the deceased. The husband of the deceased viz. Babulal Kajaria predeceased the deceased on 14.12.1978. Copy of the death certificate is annexed as Exhibit “C” to the petition.

Advocate for petitioner submits that the deceased left behind her sons and married daughters viz. (1) Krishna Kumar Kajaria (son of the deceased/petitioner no. 1) , (2) Raj Kumar Kajaria (son of the deceased/petitioner no. 2), (3) Shanta Devi Saraf w/o Madan Lal Saraf (married daughter of the deceased) , (4) Kiran Agarwal w/o Bhim Sen Agarwal (married daughter of the deceased), (5) Kanta Devi Agarwal (married daughter of the deceased) died on

25.12.2016. Copy of the death certificate is annexed as Exhibit "C" to the petition. She left behind her (5A) Lakshmi Chandra Agarwal (son in law of the deceased/husband of the deceased daughter) , (5B) Sudha Devi Bagaria w/o Krishna Prasad Bagaria (grand daughter of the deceased/daughter of deceased daughter), (5C) Shobha Bhagwati Saraf (grand daughter of the deceased/daughter of deceased daughter), (5D) Sunita Agarwal w/o Pramod Kumar Agarwal (grand daughter of the deceased/daughter of the deceased), (5E) Sundeep Agarwal (grandson of the deceased/son of deceased daughter). 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 Shanta Devi Saraf w/o Madan Lal Saraf, Kiran Agarwal w/o Bhim Sen Agarwal, Lakshmi Chandra Agarwal , Sudha Devi Bagaria w/o Krishna Prasad Bagaria, Shobha Bhagwati Saraf, Sunita Agarwal w/o Pramod Kumar Agarwal , Sundeep Agarwal had given their consent for issuance of succession certificate in favour of Krishna Kumar Kajaria and Raj Kumar Kajaria.

The consent affidavits are annexed as page no. 35 to 75.

6. Advocate for Petitioner submits that being the **sons** 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 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 **12.07.2024** for proving General Notice filed through

e-filing and Administration Bond dated **02.08.2024** is taken on record since the e-filing portal under upgradation. The original Administration Bond is taken on record.

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**