

BEFORE : MRS. R. V. RANE  
COMPANY REGISTRAR /  
TESTAMENTARY REGISTRAR  
DATE : 19<sup>th</sup> September'2024

Sr No. -10- TP/903/2024  
(ECHCBM02223212023)

Mr. Rajkumar Kharwar i/b. Mr. Nitesh Dubey, Advocate for petitioner.

1. 1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Succession Certificate in respect of certain **Securities** belonging to the two deceased. Deceased no. (1) viz. Vijayalaxmi Bhargav Prabhavalkar, who died at Mumbai on 14.05.2001. Copy of death certificate is annexed at Exhibit- 'A' to the petition. Copy of Identification proof of deceased is already annexed at Exhibit- 'A-1' to the petition.

Deceased no. (2) viz. Bhargav Hari Prabhavalkar, who died at Mumbai on 31.08.2003. Copy of death certificate is annexed at Exhibit- 'A-2' to the petition. Copy of Identification proof of deceased is already annexed at Exhibit- 'A-3' to the petition.

2. Advocate for petitioner submits that the said both deceased at the time of their demise, both were residing at 4/36 Municipal Officers CHS, Haji Ali Mumbai-400034, left property within Greater Mumbai in the State of Maharashtra.

3. Advocate for petitioner submits that, the both 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 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 no. 1 predeceased the deceased and Wife of the deceased no. 2 also predeceased the deceased. Both the deceased were husband and wife. Advocate for petitioner submits that the deceased left behind them two

sons viz. Ajit Bhargav Prabhavalkar and Ranjit Bhargav Prabhavalkar. 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 Ranjit Bhargav Prabhavalkar had given his consent for issuance of succession certificate in favour of the petitioner viz. Ajit Bhargav Prabhavalkar. The consent affidavit is annexed as page no. 25-28 to the petition.

6. Advocate for Petitioner submits that the petitioner being the son of the deceased claims to be entitled of the  $\frac{1}{2}$  share in the estate of the both 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 delay making this present Petition is on account of the fact that the Petitioner is ignorant and unaware of obtaining any legal representation. Now the Petitioner has been recently advice to obtain a legal representation. Hence this Hon'ble Court in the interest of justice may condone the delay. In view thereof, delay is condoned.

11. Advocate for the petitioner submits that the General Notice was issued on **06.04.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **23.04..2024** for proving General

Notice filed through e-filing and Administration Bond dated **25.04.2024** also filed through e-filing.

Advocate for petitioner submits that the claim amount of the petition is wrongly mentioned in the Administration Bond. Advocate for petitioner requests to carry out correction in the Administration Bond and reverification may be dispensation with. The said requests is accepted. Advocate for petitioner is allowed to carry out the said correction in the Administration Bond forthwith and reverification is dispensation 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.

Office to issue grant as soon as Advocate for petitioner to file corrected Administration Bond in version.

**COMPANY REGISTRAR/  
TESTAMENTARY REGISTRAR**

Ajay