

**BEFORE : MRS. R.V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 22nd July 2024**

Sr. No. – 22 TP/929/2024
(ECHCBM02019722024)

Mr. Y. C. Parikh, 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 no. (1) viz. Manubhai Someshwar Desai alias Manubhai S. Desai alias M.S. Desai, who died at Mumbai on 12.12.2001. Copy of death certificate is annexed at Exhibit -'A' to the petition. And deceased no. (2) viz. Shardaben Manubhai Desai alias Sardaben M. Desai alias S M Desai who died at Mumbai on 13.03.1995. Copy of death certificate is annexed at Exhibit -'B' to the petition.

Advocate for petitioner submits that since identification proof of both the deceased is not available petitioner had filed Affidavit dated 23.01.2024 for dispensation of identification proof of both 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 both 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 both the deceased. The said request is accepted. Copy of Affidavit for dispensation of identification proof of both the deceased is annexed as Exhibit "A1" to the petition.

2. Advocate for petitioner submits that both the said deceased ordinarily resided at 706, Dharam Thakur Complex Borivali (West) Mumbai 400092 Mumbai 400 092 and at 306, Pushpa Nagar S.V.P. Road, Borivali (West) Mumbai 400 092 Mumbai Suburban, Maharashtra, and/or left property within Greater Bombay and in the 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.**

Advocate for petitioner submits that both the deceased left behind them two sons viz. PIYUSH MANUBHAI DESAI (son of the deceased/petitioner herein) and SANDIPKUMAR

MANUBHAI DESAI (son 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 SANDIPKUMAR MANUBHAI DESAI had given his consent for issuance of succession certificate in favour of PIYUSH MANUBHAI DESAI

The consent affidavits are annexed as page no. 108 to 110.

6. Advocate for Petitioner submits that being the **son** of both deceased claims to be entitled for **1/2** 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 **06.04.2024** in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service dated **26.04.2024** for proving General Notice filed through e-filing and Administration Bond dated **19.06.2024** also filed through e-filing.

Advocate for the petitioner undertakes to upload the Administration Bond. The said request is accepted.

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 the advocate for the petitioner upload the Administration Bond.

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**