

**BEFORE : MRS. R. V. RANE  
COMPANY REGISTRAR /  
TESTAMENTARY REGISTRAR  
DATE : 14<sup>th</sup> June'2024.**

**Sr. No. 7 – TP – 933 of 2024**

**(ECHCBM02220912023)**

Ms. Jyoti Badgujar, Advocate i/b. Chaitanya Patel, Advocate  
for the petitioner.

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. Sumati Rangildas Lala, who died at Mumbai on 15th January 1997. 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 28.11.2023 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 the identification proof of the deceased is annexed at Exhibit "A1" to the petition.

2. Advocate for petitioner submits that the said deceased ordinarily resided at Bansi Cattage, 11<sup>th</sup> Road, Santacruz (East) Mumbai — 400 055. and 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 and husband of the deceased predeceased the deceased.**

Advocate for petitioner submits that the deceased left behind her two sons viz. (1) Ramesh Rangildas Lala (son of the deceased) died on 13.10.2019 leaving behind Vina Ramesh Lala (daughter in law of the deceased) who died on 16th December, 1988. Copy of the death certificate is annexed as Exhibit “D” to the petition. (1a) Hetal Sudhir Raut (married grand daughter/petitioner herein/married daughter of deceased son), (1b) Mihir Ramesh Lala (grand son of the deceased/son of deceased son). (2) Bansi Rangildas Lala (son of deceased) died on 05.05.1993

leaving behind (2a) Meena Bansilala (daughter in law of the deceased/wife of deceased son), 2(b) Hiten Bansilala (grand son of the deceased/son of deceased son) (2c) Jai Bansilala (grand son of the deceased/son of deceased son). 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 Mihir Ramesh Lal, Meena Bansilala, Hiten Bansilala, Jai Bansilala had given their consent for issuance of succession certificate in favour of Hetal Sudhir Raut.

The consent affidavit dated 11.1.2024 of Jai Bansilala, Joint Affidavits dated 26.4.2024 of Meena Bansilala, Hiten Bansilala and affidavit dated 26.04.2024 of Mihir Ramesh Lal are annexed separately to the petition.

6. Advocate for Petitioner submits that being the **grand daughter** of deceased claims to be entitled for **25%** share in the estate left by the deceased.

Advocate for the petitioner request permission to carry out correction in para 6 with respect to 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 in para 6 with respect to share of the petitioner in the estate left by the deceased 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 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 **24.04.2024** also filed through e-filing.

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.
- 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**