

**BEFORE : MRS. R.V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 16th July'2024**

Sr. No. – 24 -TP/1197/2024

(ECHCBM02009022024)Mr. Yash Arora, 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. Krishnakumari Rameshchandra Khandelwal @ Krishnakumari Khandelwal, who died at Mumbai on 31.01.1988. 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 12.01.2024 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 Exhibit “A1” to the petition.

2. Advocate for petitioner submits that the said deceased ordinarily resided at Room No. 602, Shubh Sandesh CHS 16, Hansraj Lane, near Burhani College, Byculla East, Mumbai, Maharashtra. 400 027, who left her movable properties 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 husband of the deceased viz. Rameshchandra Khandewal died on 25.5.1983. Copy of the death certificate is annexed as Exhibit “B” to the petition.

Advocate for petitioner submits that the deceased left behind her one son and one daughter viz. Avinash Ramesh Khandelwal @ Avinash Rameshchandra Khandelwal (son of the deceased/petitioner herein) and Shobha Khandelwal (daughter 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 Shobha Khandelwal had given her consent for issuance of succession certificate in favour of Avinash Ramesh Khandelwal @ Avinash Rameshchandra Khandelwal.

The consent affidavits are annexed as page no. 44 to 46.

6. Advocate for Petitioner submits that being the **son** of 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 **30.04.2024** for proving General Notice filed through e-filing and Administration Bond dated **15.06.2024** also filed through e-filing.

Advocate for the petitioner submits in the Administration Bond it is mentioned as succession certificate for certain debts/securities when the petition is filed for securities. Hence it is required to be corrected as per the petition. Advocate for the petitioner submits that that he may be permitted to carry out correction in the Administration Bond with respect to securities. Advocate for the petitioner will upload the corrected version and request reverification may be dispensed with. The said request is accepted. Advocate for the petitioner is allowed to carry out the correction and upload the corrected version. Reverification is dispensed with.

Advocate for the petitioner submits that the schedule annexed to the petition it has been mentioned as valuation of immovable properties of the deceased whereas it should be valuation of movable properties. Advocate for the petitioner request that he may be permitted to carry correction with respect to movable instead of immovable. Advocate for the petitioner will upload the corrected version and he request reverification may be dispensed with. The said request is accepted. Advocate for the petitioner is allowed to carry out the correction and upload the corrected version. Reverification is dispensed 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 the Advocate for the petitioner comply the aforesaid corrections mentioned in para no. 11 of the order.

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**