

**BEFORE : MRS. R.V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 20th July'2024**

Sr. No. – 2- TP 1263 of 2024
(ECHCBM02026392024)

Mr. Atish Mahade, 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 **debts and securities** belonging to the deceased viz. Nathiben Chandulal Barbhaiya who died at Mumbai on 23.08.2000 . Copy of death certificate is annexed at Exhibit -'A' to the petition. Copy of the identification proof of the deceased is annexed at Exhibit "B" to the petition.

2. Advocate for petitioner submits that the said deceased ordinarily resided at 7 Vishvajyot Society Navrangpura Ahmedabad, and/or has left property within Mumbai 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.

Advocate for the petitioner to carry out correction in para no 2 and para no. 4 to the petition replacing the word “his” with word “her”. Advocate for the petitioner submits that he may be permitted to carry out the correction. He will upload the corrected version and reverification may be dispensed with. The said request is accepted. Advocate for the petitioner is permitted to carry out the correction in para no. 2 and 4 to the petition and upload the corrected version. Reverification is dispensed with.

5. Advocate for the petitioner submits that the parents of the deceased predeceased the deceased. The husband of the deceased viz. Chandulal Hiralal Barbhaiya predeceased the deceased. Copy of the death certificate is annexed as Exhibit “C” to the petition.

Advocate for petitioner submits that the deceased left behind him two sons and two daughter viz. (1) Mahendra Chandulal Barbhaiya alias Mahendrabhai Chandulal Barbhaiya who died on 12.08.2002. Copy of the Death certification is annexed as Exhibit “G” to the petition. The wife of deceased son viz. Tarla Mahendra Barbhaiya died on 28.05.2014. Copy of the death certificate is annexed as Exhibit “H” to the petition. He left behind him (1A) ‘Bhargav Mahendra Barbhaiya (grandson of the deceased/petitioner herein/son of deceased son) (1B) Deepaben vyomeshkumar Dubal (grand daughter of the

deceased/daughter of deceased daughter) who died issueless on 05/07/1999 and her husband viz. Vyomeshkumar Devendra Dubal Died on 23/05/2012.

(2) Ajitendra Chandulal Barbhaiya (son of the deceased) died on 09-08-2008. Copy of the death certificate is annexed as Exhibit “D” to the petition. His wife Jayalaxmi Ajitendra Barbhaiya who died on 10.12.2020. Copy of the death certificate is annexed as Exhibit — “E” to the petition. He left behind him (2A) Mrudula Mahendra Jalal (married grand daughter of the deceased/ daughter of the deceased son), (2B) Vishnukumar Ajitendra Barbhaiya (grandson of the deceased/son of deceased son), (2C) Charuben Nareshkumar Patel (married grand daughter of the deceased/daughter of the deceased son). (2D) Hitendra Ajitendra Barbhaiya (grandson of the deceased/son of deceased son) died on 27.08.2016. Copy of the death certificate is annexed as Exhibit “F” to the petition. He had no son and no daughter and had only wife viz. (2D(I) Heenaben Hitendra Barbhaiya (Great Daughter in law of the deceased/wife of deceased son of the deceased son).

(3) Padmaben Chandulal Barbhaiya (daughter of the deceased).

(4) Sushilaben Navinchandar Valera (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 Mrudula Mahendra Jalal, Vishnukumar Ajitendra Barbhaiya, Charuben Nareshkumar Patel, Heenaben Hitendra Barbhaiya, Padmaben Chandulal Barbhaiya and Sushilaben Navinchandra | Valera had given their consent for issuance of succession certificate in favour of Bhargav Mahendra Barbhaiya.

The consent affidavits are annexed as page no. 27 to 54.

6. Advocate for Petitioner submits that being the **grandson** of deceased claims to be entitled for **1/4th** share in the estate left by the deceased.

Advocate for the petitioner submits that he may be permitted to carry out correction in para no. 5 with respect to the share of the petitioner in the estate of the deceased which is mentioned as 1/7th share instead of 1/4th share. Advocate for the petitioner will upload the corrected version and request that reverification may be dispensed with. The said request is accepted. Advocate for the petitioner is allowed to carry out correction in para no. 5 of the petition with respect to share of the petitioner in the estate of the deceased mentioning the same as 1/4th share. He will upload the corrected version. 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 **26.04.2024** for proving General Notice filed through e-filing and Administration Bond dated **09.05.2024** also filed through e-filing. The Administration Bond is taken on record.

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.

Office to issue grant as soon as the Advocate for petitioner carry out correction in para no. 2 and and 4 and para no. 5.

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**