

**BEFORE : MRS. R.V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 29th July'2024**

Sr. No. – 22 -TP/1322/2024
(ECHCBM02229302023)

Mr. Yash Mahesh Oza, 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. Rohit Vinod Prajapati alias Rohit Vinodbhai Prajapati who died at Mumbai on 01.06.2020. Copy of death certificate is annexed at Exhibit -'A' to the petition. 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 **A- 302, Shiv Shakti complex, S.V. Road, Dahisar (E), Mumbai - 400 068, and left property within Suburban Mumbai 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 **his** 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 deceased during his Lifetime married to one Shital Bhagvatbhai Prajapati alias Smt. Shital Rohit Prajapati alias Smt. Shitalben Rohit Prajapati on 15-02-2013. After the said Wedlock the minor herein (Vrini Rohit Prajapati) was born on 28.05.2024 and due to marital issue the deceased and Shital Bhagvatbhai Prajapati alias Shital Rohit Prajapati alias Shitalben Rohit Prajapati made a deed of divorce on 25.07.2016. Copy of the deed of divorce is annexed as Exhibit “B” to the petition and copy of translation of the deed of divorce is annexed as Exhibit “B1” to the petition.

Advocate for petitioner submits that the deceased and Shital Bhagvatbhai Prajapati alias Smt. Shital Rohit Prajapati alias Smt. Shitalben Rohit Prajapati approached for Divorce before the Family Court at Nadiad, Gujarat. The Family Court at Nadiad, Gujarat had passed Decree of Divorce by its Judgment dated 11/07/2017. Copy of the Decree of divorce is annexed as Exhibit “C” to the petition and copy of translation is annexed as Exhibit “C1” to the petition.

Advocate for the petitioner submits that whereabouts of Shital Bhagvatbhai Prajapati alias smt. Shital Rohit prajapati alias Smt. Shitalben Rohit Prajapati

are not known to anyone and the minor viz. Vrini Rohit Prajapati is residing with her grand parents.

Advocate for the petitioner submits that the petitioner viz. Vinod Prabhuram Prajapati is appointed as Guardian of minor Vrini Rohit Prajapati in Guardian Petition No. 39 of 2022 by order dated 01.08.2023 by the City Civil Court at Bombay. Copy of the order dated 01.08.2023 is annexed as Exhibit "D" to the petition.

Advocate for the petitioner submits that the deceased left behind him father, mother, sister and minor daughter viz. Vinod Prabhuram Prajapati (father of the deceased), Kamla Vinod Prajapati (mother of the deceased), Jagruti Vinod Prajapati (sister of the deceased) and Vrini Rohit Prajapati (minor daughter of the deceased) (through guardian Vinod Prabhuram Prajapati). 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 Kamla Vinod Prajapati and Jagruti Vinod Prajapati had given their consent for issuance of succession certificate in favour of Vrini Rohit Prajapati (through guardian Vinod Prabhuram Prajapati).

The consent affidavits are annexed as page no. 68 to 75.

6. Advocate for Petitioner submits that being the minor through guardian (through guardian Vinod Prabhuram

Prajapati) of deceased claims to be entitled for **1/3rd** 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. 11 to the petition with respect to the claims to be entitled for **1/3rd** share in the estate left by the deceased. Advocate for the petitioner submits that 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 correction forthwith in para no. 11 with respect to the claims to be entitled for **1/3rd** share in the estate left by the deceased. Advocate for the petitioner 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 03.05.2024 in the aforesaid matter. Advocate for the petitioner submits that Affidavit of Service through Deputy Sheriff of Mumbai filed on **13.06.2024** for proving General Notice filed through e-filing and Administration Bond dated **26.06.2024** 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.

**COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR**